

Equitable and Inclusive Education for All? Public Funding for
Denominational Schools in Ontario

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Submitted in partial fulfillment of
the requirements for the degree of
Master of Education

Faculty of Education, Brock University
St. Catharines, Ontario

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Abstract

Roman Catholic separate schools' denominational right to receive public funding is a contentious issue in Ontario's educational system. Ontario's publicly funded denominational schools historically served a purpose at Confederation; however, in light of Ontario's evolving demographics, publicly funding denominational schools today may no longer serve the needs of Ontario. The research problem in this study is expressed through growing problems reconciling Roman Catholic schools with diversity and current public views. Additionally, recent tensions, public views, and political consensus suggest it is time to revisit the existing policy. In order to understand both the history of denominational schools and the present context, this study conducted II policy analyses as its research design by completing 2 policy cycles. The first policy cycle determined that based upon Upper and Lower Canada's pre-Confederation diversity, extending public funding to denominational schools at Confederation was an effective way of protecting minority rights; however, the analysis in the second policy cycle; which examined how equitable and inclusive denominational schools are today, concluded that the denominational school system no longer serves the diversity and equity needs of contemporary Ontario. Building on these findings, this study then explored two viable alternative educational arrangements for Ontario's future educational system: publicly funding all faith-based schools, or publicly financing a one-school-system. To address the diversity issue in Ontario, transitioning toward publicly funding a one-school-system is found to be the most viable option.

Acknowledgements

I would like to begin by taking this opportunity to sincerely thank my family and friends for their unwavering support and assistance in completing this program. I would specifically like to acknowledge Cathy and Steve Medway for all of their emotional and financial support that they have provided me throughout this past year. You are both responsible for supplying me with the fuel I needed to reach the finish line of this research! I also express my sincere appreciation to my advisor Dr. Julian Kitchen for the immense bank of knowledge that he has provided me with throughout this process, and for his swift feedback that has facilitated the completion of this research. I am also grateful to Dr. Michael Manley-Casimir for the expertise that he brings to this study, and for his strong commitment to making time for students like myself. Finally, I am forever indebted to Dr. Coral Mitchell for all of her guidance and support throughout this process. Your commitment to assisting students is inspiring! I vow that I will only come by your office in the future to bring you a coffee to again thank you for all the help you have been to me throughout this research.

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CHAPTER ONE: BACKGROUND AND STATEMENT OF THE PROBLEM

Although extending public funding to denominational schools at Confederation was an effective way of protecting minority rights in Upper and Lower Canada pre-Confederation, this study investigates Ontario's potential contemporary challenge of continuing to publicly fund the Roman Catholic school system in Ontario. This study reexamines: whether Roman Catholic schools in Ontario are equitable and inclusive educational institutions that should continue to receive public funding today. If it is determined in this study that Roman Catholic schools in Ontario are not equitable and inclusive educational institutions for students, viable alternative educational arrangements in Ontario are offered in this paper to serve as prospective solutions that Ontario's educational system can transition into in the near future.

Purpose of the Study

The question of whether to continue to publicly fund Roman Catholic schools is currently a topical issue in Ontario. Although all the major political parties presently support public funding to Roman Catholic schools, according to Hart (2012) opinion surveys suggest that many Ontarians are not in favour of continuing to finance the Roman Catholic school system with their public dollars. In fact, "Ontarians remain deeply divided between limiting funding to a single public system, [or] continuing current funding of public and Catholic systems" (Hart, 2012, p. 2). As Ontarians remain divided on whether or not to provide both the public and Catholic system with their public dollars, more research to inform the public policy debate in Ontario is needed. Furthermore, if public pressures against this presently funded public school system continue to increase in Ontario, Ontarians increasingly desire additional research to

inform their own stance in regards to this issue. In particular, there is a need for a review of the status quo in order to determine whether denominational schools serve the diverse population of contemporary Ontario.

I became aware of this issue when I was studying to become a teacher. When I started the BEd program at Brock University, I initially did not fully understand why it was important to indicate whether I intended to complete my practica in a Catholic or public school board. Even though I was open to teaching in either school system, I later discovered through the program that for me to gain a teaching or administrative position in a Catholic school board, I had to produce a pastoral letter as evidence of my involvement in the church. Since I am not a practicing Catholic, I was unable to acquire a pastoral letter and thus was not able to complete my practica in a Roman Catholic school or ultimately gain employment in the Catholic school boards in Ontario. I felt affronted being denied access to teach in the Roman Catholic school system because of my religious affiliation; I felt the decision was unjust because the assets that I felt I had to offer as a prospective educator were not given attention in the hiring process. Furthermore, coupled with the depressing job market that faced all teachers in my graduating year, I also found it very troubling when I later discovered that approximately one-third of the teaching and administrative positions in Ontario are in Roman Catholic school boards. In hopes of bringing to light the previous injustice that I personally experienced, and to also provide other educational stakeholders with a voice to articulate injustices that they may have experienced as a product of the separate school system, I became motivated to undertake this research.

As a graduate student with an interest in public policy, I had an opportunity to

explore this issue further. I initially became interested in this topic because I found it difficult to make sense of how it was possible for Roman Catholic schools to constitutionally discriminate against educational stakeholders on denominational grounds. An examination of the history behind denominational rights helped me appreciate why the policy was enacted as a way of addressing equity at Confederation; however, this investigation reinforced my initial sense that this policy is may be no longer consistent with the diversity in contemporary Ontario. Specifically, I am interested in researching this proposed topic to contribute meaningfully to public discourse, and to safeguard equitable and inclusive education for all educational stakeholders. As tensions against this currently funded public school system increase in Ontario, the Ontario public needs to be able to make an informed stance in regards to this issue.

Purpose Statement

The purpose of this research is to evaluate the merits of denominational funding. In order to do this, I conduct two policy analyses to showcase how it made sense to fund Roman Catholic schools at Confederation, and also to now determine if Roman Catholic schools in Ontario today are congruent or incongruent with the guiding principles of the Ontario Ministry of Education's (OME, 2009a) *Ontario's Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation* (henceforth, the *Guidelines*). If in the event this study determines that Roman Catholic schools do not meet the guiding principles of the OME's *Guidelines* they will not be considered equitable and inclusive educational institutions that merit public funding today. Furthermore, if the Roman Catholic educational system is determined to not be equitable and inclusive, to improve equitable and inclusive education for all educational stakeholders in Ontario,

evidence from the evaluation section in the second policy cycle can serve to further galvanize the Ontario public to abolish public funding to Roman Catholic schools.

Context of the Problem

The right of Roman Catholic separate schools to receive public funding today is a product of the political compromise effected at Confederation. According to Brown and Zuker (2007), “The term ‘*denominational rights*’ is commonly used to refer to the constitutional right of Roman Catholics or Protestants to have their own denominational school systems” (p. 13). Great Britain passed the British North America Act (BNA) act (1867)—now known as the Constitution Act (1867)—to form Canada. Section 91 of the Constitution made education a provincial responsibility, and Section 93 gave provinces the right to make laws to protect separate education. In Ontario this meant denominational rights of Roman Catholic schools were constitutionally protected, and still are so today. However, Roman Catholic schools’ denominational rights to receive public funding is potentially problematic today because Ontario’s demographics may be incongruent with Ontario’s denominational rights, and denominational rights’ constitutional power may be negatively impacting the educational experiences of non-Roman Catholic educational stakeholders. Both of these potential problems are discussed in more detail in chapter 2 of this study, and how heavy this form of historical legacy is for Ontarians to carry around with them today will, ultimately, be determined in the second policy cycle presented in chapter 4.

Methodology

This study is a policy analysis that uses two policy cycles as its research. Both policy cycles in this study include four sections: problem definition, the policy constructed, implementation goals, and evaluation. The overall policy cycle and each

specific section of the cycle are defined and elaborated in chapter 3.

Conceptual Framework

The guiding principles of the OME's (2009b) *Guidelines* are used in this study to serve as the conceptual framework for considering diversity in contemporary Ontario. According to the Ministry of Children and Youth Services' (MCYS, 2008) *Achieving Cultural Competence: A Diversity Tool Kit for Residential Care Settings*, "Canada—and Ontario in particular—is distinguished as one of the most diverse and cosmopolitan areas of the world" (p. 10). Furthermore, according to a Statistics Canada 2006 census, "In Ontario, 28% of the population are immigrants, the highest percentage in the country" (as cited in MCYS, 2008, p. 10). As Ontario is regarded as an immensely diverse area, the needs of its diversity must be given attention and safeguarded in Ontario schools. According to the OME's (2009b) *Guidelines*, "The guidelines provided in this document are designed to help Ontario school boards review and/or develop, implement, and monitor equity and inclusive education policies that will support student achievement" (p. 7). This document is a reflection of the body of thinking that has emerged as a result of Ontario's pluralistic society. Therefore, it serves as a lynchpin to determine if restructuring of Ontario's contemporary educational system in the near future is the direction the Ontario public should explore.

Providing equity and inclusive education for Ontario students is important. The OME's (2009b) *Guidelines* define *equity* as "A condition or state of fair, inclusive, and respectful treatment of all people. Equity does not mean treating people the same without regard for individual difference" (p. 4). Furthermore, the *Guidelines* define *inclusive education* as "Education that is based on the principles of acceptance and inclusion of all

students. Students see themselves reflected in their curriculum, their physical surroundings, and the broader environment, in which diversity is honoured and all individuals are respected” (p. 4). Equity and inclusive education in Ontario’s educational system is pertinent to ensure high-quality education for all students, which will increase the likelihood of Ontario’s impending prosperity (OME, 2009a). According to UNESCO, “Inclusive education is central to the achievement of high-quality education for all learners” (as cited in OME, 2009a, p.5). Furthermore, the OME’s (2009a) *Equity and Inclusive Education Strategy* (hereafter, the *Strategy*) maintains that Ontario’s diversity is an asset and equitable and inclusive education is important to foster a unified society, and thus build a strong economy to ensure Ontario’s success in the future.

To guarantee a high-quality of education for all students, and to construct a cohesive society that will create a strong economy to ensure Ontario’s future prosperity, the guiding principles of the OME’s (2009a) *Strategy* must be satisfied by publicly funded educational institutions in Ontario—including the Roman Catholic school system. To ensure equitable and inclusive education for all of Ontario’s educational stakeholders is safeguarded, this study analyzes and evaluates how well Roman Catholic schools meet or do not meet the guiding principles of the *Strategy*. The OME’s (2009b) *Guidelines* outline the guiding principles of the *Strategy* by stating that it “is a foundation in excellence..., meets individual needs..., identifies and eliminates barriers..., promotes a sense of belonging..., involves the broader community..., builds on and enhances previous initiatives..., [and] is demonstrated throughout the system” (p. 13). In the policy analysis, each goal is used as a criterion to evaluate the effectiveness of fostering equitable and inclusive education in Roman Catholic schools. This framework is used in

the evaluation section of the policy cycles to showcase how Roman Catholic schools at Confederation were equitable and inclusive, but in light of Ontario's evolved diversity, may or may not foster equitable and inclusive education for all students today, and thus will determine if Roman Catholic schools should continue to be publicly funded. See Figures 1 and 2; each figure serves as a visual aid to showcase and summarize how well overall the Roman Catholic school system is making the grade in promoting equitable and inclusive education in their schools. Figure 1 showcases how equitable and inclusive Roman Catholic schools were at Confederation in light of the existing diversity in 1867. Figure 2 highlights how equitable and inclusive Roman Catholic schools are today in light of Ontario's present evolved diversity.

Scope and Limitations of the Study

As a researcher, before undertaking this study I have already formed many perceptions that place me at risk of developing assumptions in regards to this research topic. To limit the impact of my personal biases on this research, I need to identify my perceptions and assumptions surrounding this proposed topic. These perceptions and assumptions are largely a product of my experiences as a student in the Roman Catholic school system, a BEd student, and also from my religious beliefs.

Researcher's Educational Experiences

As a previous Roman Catholic elementary and secondary student, I have been "schooled" to learn the value of faith-based education. Having had a positive experience in the Roman Catholic school system, I must be cognizant of the positive personal perception that I have formed in my research to avoid making the assumption that all students in all Roman Catholic schools have had the same pleasurable educational experience.

Ontario's Educational Institutions Equitable and Inclusiveness Checklist	
Name: Roman Catholic Schools	
Diversity: Upper and Lower Canada's Diversity at Confederation	
Criterion	Checklist
is a foundation in excellence	
meets individual needs	
identifies and eliminates barriers	
promotes a sense of belonging	
involves the broad community	
builds on and enhances previous and existing initiatives	

Figure 1. Education section: Conceptual framework in policy cycle 1.

Ontario's Educational Institutions Equitable and Inclusiveness Checklist	
Name: Roman Catholic Schools	
Diversity: Contemporary Diversity in Ontario	
Criterion	Checklist
is a foundation in excellence	
meets individual needs	
identifies and eliminates barriers	
promotes a sense of belonging	
involves the broad community	
builds on and enhances previous and existing initiatives	

Figure 2. Evaluation section: Conceptual framework in policy cycle 2.

In addition to my previous experience in the Roman Catholic school system, I have also formed a perception of Roman Catholic schools from my BEd courses. It was not until I completed the Roman Catholic school system as a student that I was first exposed to academic journal articles and educational legal precedents in my BEd courses that also impacted my perception of the Catholic educational system. Contrary to my educational experience as a student in Roman Catholic schools, this experience has led me to view the Roman Catholic school system in a negative light. Similar to my first experience, to ensure this negative perception does not dominate my research, I plan to be as open-minded as possible as a researcher in hopes of letting the evidence collected for/against funding Roman Catholic schools speak for itself. I will strive to take an impartial stance as a researcher by studying primary and secondary sources that argue in favour and also against funding Roman Catholic schools in Ontario.

Finally, in addition to my previous experience as an elementary and secondary student in the Roman Catholic school system, and being exposed to resources in my academic studies, my personal religious beliefs have also unquestionably shaped my perceptions and assumptions as a researcher in regards to this topic. Although I was raised in a Roman Catholic household and attended a Roman Catholic elementary and secondary school, beginning in my adolescence I have become more secular and today I would not identify as Roman Catholic. Similar to the first two experiences, to prevent my personal beliefs from having a biased impact on the proposed research in my MRP, I will continue to make a conscious effort to reflect on how my personal religious beliefs may be influencing the research.

Conceptual Limitations

This research has conceptual limitations because only data that are primarily considered data related to the criteria/themes identified in the conceptual frames are provided in this study. While I am aware of the nature of the papal documents, various theological underpinnings, and the putative effectiveness of Catholic education on the religiosity of Catholic students, these resources will also not be given attention or analyzed in this study. Additionally, to stay within the scope of this study, the sixth guiding principle—“builds on and enhances previous and existing initiatives”—will only analyze and evaluate how well the Roman Catholic school system utilizes Ontario’s resources, to determine if it is today economically feasible to continue the public funding of two different school systems in Ontario. Finally, the last guiding principle in the document—“demonstrated throughout the system”—will be omitted from the evaluation section of the policy cycle because an analysis and evaluation across 12 separate school boards is also outside the scope of this study.

Policy Design Limitations

Similar to my former personally formed viewpoints and the conceptual frames in this study, the policy cycles in this research also have their own inherent shortcomings. The policy cycles developed for this research are based upon the rational model. Weaver-Hightower (2008) synthesizes the rational model identified by Lasswell (1951) as “the policy process is assumed by many to function rationally, usually following a straightforward model: problem—research—solution—implementation” (p. 153). Weaver-Hightower maintains this model is flawed, arguing that “This traditional view, further, grossly misjudges the complexity and grittiness, the false starts, the unabashed

greed, and the crashing failures of some policy formation and implementation” (p. 153). Although this policy cycle may be criticized for being too linear—as some complexity and grittiness will undoubtedly not be given attention—for the purposes of this research, this policy cycle will still effectively provide the basis for the analysis. Further research may draw upon the ecological metaphor to conduct subsequent policy analyses that delve into supplementary complexities that are absent from this study.

Literature Limitations

Finally, as much as there are apparent conceptual and policy design limitations within the investigation, this research also departs from the conventional practice in regards to the organization of the literature. Rather than having a traditional literature review section, this study integrates the literature throughout the study. This decision was strategically made for two primary reasons: to avoid redundancies, and to allow for greater flow and understanding for the reader. Firstly, the literature selected and included in this investigation is largely used as evidence in the evaluation section of the policy cycles. To avoid any unnecessary overlap it became clear that it would be best to integrate the literature throughout the research instead of simply having one assigned section. Secondly, as the literature is embedded throughout the investigation, it became clear that the reader would benefit from this organizational approach because the full picture of this topic is best articulated and most easily understood piece by piece as opposed to a single simple snapshot.

Outline of the Remainder of the Document

Chapter 1 outlined the investigation I intend to explore in this study. It identified my educational experiences and reasons for completing this research, outlined Ontario’s

contemporary dilemma of continuing to fund Roman Catholic schools, informed the reader of the research design methods chosen for this investigation, identified the conceptual framework, and also discussed the scope and limitations of this study.

Chapter 2 begins by informing the reader of the history of how Roman Catholic schools came to receive public funding through two historic waves: (a) the conception of denominational rights before Canada's Confederation, and (b) Roman Catholics' attempt at full funding directly post-Confederation followed by William Davis's announcement in 1984. This section then immerses the reader within the research problem of the study. To bring to light the research problem this study explores, this chapter showcases: Ontarians lessening public support of continuing to fund Roman Catholic schools, Ontario's contemporary evolved demographics in contrast with Ontario's denominational rights, and the United Nations decision ruling that publicly funding only Roman Catholic schools is discriminatory. Finally, to serve as a springboard into prompting a reexamination of Roman Catholic schools right to be publicly funded in Ontario, the public purpose of public schools along with amending provisions inherent in the Constitutional Act of 1982 are also discussed in this chapter.

In chapter 3, I situate the critical advocacy as the methodology for analysis through which this research is undertaken, discuss the research design and the data collection procedures, provide an overview of the two policy cycles used in this investigation, and outline each separate section of both policy cycles.

In chapter 4, I systematically complete two policy cycles. In the first policy cycle I analyze and evaluate how well Roman Catholic Schools at Confederation satisfied the guiding principles of the OME's (2009b) *Guidelines*. To serve as a potential pivot point

in this document, I complete the second policy cycle by analyzing and evaluating how well Roman Catholic Schools—in light of Ontario’s evolved diversity—presently may or may not satisfy the guiding principles of the *Guidelines*. This chapter finally provides a summary of the results from both policy cycles.

In response to the policy cycles analysis and evaluations, chapter 5 discusses conclusions, implications, and future directions. If the Roman Catholic school system is found to be incongruent with the guiding principles of the OME’s (2009b) *Guidelines*, this chapter will review two alternative proposed solutions that Ontario may consider transitioning towards into in the near future—publicly funding all faith-based schools or publicly financing a one-school-system.

CHAPTER TWO: RESEARCH PROBLEM AND HISTORY OF ROMAN CATHOLIC FUNDING

This chapter focuses on the history of how Roman Catholic schools came to receive public funding, and the research problem of the study. It begins by discussing the two waves that led to the Roman Catholic school system acquiring full public funding: (a) the conception of denominational rights before Canada's Confederation, and (b) Roman Catholics' attempt at full funding directly post-Confederation followed by William Davis's announcement in 1984. The research problem of the study is then illuminated through showcasing how the Ontario Public has lost interest in continuing to fund the Roman Catholic school system with their public dollars.

This chapter then delves into the heart of the issue by illuminating how Ontario's demographics have increasingly grown out of touch with the Roman Catholic school system's constitutional denominational rights. The chapter then explicitly discusses the United Nations Human Rights Committee's decision that funding Roman Catholic schools is discriminatory. The chapter then describes how Roman Catholic supporters finance their own school system through property taxes in conjunction with provincial government grants, to which all Ontarians contribute through provincial sales tax. This section then situates the topic of research by carefully stressing to the reader that this investigation is not focused on arguing whether denominational rights are constitutional but rather in which ways such rights are discriminatory today. To serve as a transition point, to remind the reader what the public should expect from a public school system, the chapter then revisits the public purpose of public schools. Lastly, to highlight that this

research has practical merit, the chapter shows that, despite the Constitutional provisions, it is in fact possible to dissolve Roman Catholic schools right to public funding.

Creation and Development of Denominational Rights

Ontario's present educational system is a product of Canada's history. To gain an appreciation of why Roman Catholic schools exist and why they are publicly funded today, it is important to understand the two waves that gave way to public funding of Roman Catholic schools. 1) the conception of denominational rights before Canada's Confederation, and 2) Roman Catholics' attempt at full funding directly post-Confederation followed by William Davis's announcement in 1984.

Wave One: Denominational Rights in 19th-Century Ontario

Denominational rights were conceived in Canada's Confederation. Denominational rights were put in place to protect the rights of Roman Catholics and Protestants. According to Rupcic (2009) both Upper Canada (majority Protestant, English, currently Southern Ontario) and Lower Canada (majority Roman Catholic, French, currently Southern Quebec) as the Union of Canada could only enter if both were in agreement. Historical moments that lead to the conception of denominational rights before Canada's Confederation are: The Constitutional Act (1791), The Act of Union (1840), The Charlottetown and Quebec Conference (1864), and finally The British North American (BNA) Act (1867).

Before Canada became a nation the province of Quebec was divided along the Ottawa River (See, 2010). The Constitutional Act of 1791 (also referred to as the Canada Act), established by the Parliament of Great Britain, divided the province of Quebec into Upper Canada, and Lower Canada (See, 2010). If both Upper Canada and Lower Canada

were to effectively co-exist as a prospective nation, each group needed to come together, and the only way Upper Canada and Lower Canada would come together was to ensure both groups' religious rights would be equally protected.

After the Constitutional Act, in 1840 the British Parliament approved the Act of Union. The Act of Union formed the Province of Canada by uniting Lower Canada and Upper Canada (See, 2010). The Province of Canada was then divided into two distinct parts: Canada East (formerly Lower Canada) and Canada West (formerly Upper Canada). Both parts were obligated to sustain a legislative majority, which permitted equal representation of Canada East and Canada West. Although each group belonged to the Province of Canada, both Canada East and Canada West religious rights were equally protected through permitting each group to have their own equal representation (Curtis, 2002).

After Lower and Upper Canada were united to form the Province of Canada and became known as Canada East and Canada West through the Act of Union—to improve Canada's potential strength as a nation to become a country, the province of Canada needed to unite with additional provinces. According to Creighton (1964), Canada East and Canada West both attended the Charlottetown Conference of 1864 to discuss the notion of a Maritime Union with Nova Scotia, New Brunswick, and Prince Edward Island. At the Charlottetown Conference, according to Creighton, to ensure all provinces had the right to their own say in their school system, education was determined to be a provincial responsibility. Furthermore, after discussions continued within the Quebec Conference several resolutions were drawn to protect the rights of Roman Catholics and Protestants. Specifically, according to Browne (1969) Resolution 43 granted provinces

control over education, limited only by item 6 which stated “Education; saving the rights and privileges which the Protestant or Catholic minority in both Canada’s may possess as to their denominational schools, at the time when the union goes into operation” (para. 5). Rights and privileges were extended to Protestant and Catholics to ensure the province of Canada would agree to enter into a Maritime Union.

Finally, when the Parliament of Great Britain passed the BNA Act in 1867 uniting the first four provinces to form Canada, Protestants and Catholics had their denominational rights effectively protected under section 93 (Dickinson & Dolmage 1996). As a result, under denominational rights, Roman Catholics and Protestants were given the right to have their own elementary schools, and to receive government grants to assist in financing them. In other words, the BNA Act permitted provinces in Canada the special right to legislate their own education in accordance with section 93, which mandates nothing in any law shall curtail the privilege Roman Catholics and Protestants have to establish and preserve their own personal denominational education (*Constitution Act, 1867*). Although the legal rights of denominational schools were clear and undisputed in some instances, according to Stamp (1985) “Roman Catholic separate schools had no automatic constitutional right to offer the full range of secondary education. Subsequent Roman Catholic campaigns for full funding of secondary education have taken a political rather than a legal route” (p. 5).

Wave Two: Roman Catholic Funding Post-Confederation

After denominational rights were enshrined in the Constitution, according to Lawton (1986) Roman Catholic schools post-Confederation only received public funding until grade 10. Furthermore, Stamp (1985) maintains that directly after Confederation,

Roman Catholic schools received less public funding than public schools because separate schools were not entitled to the lucrative commercial or industrial property taxes. Towards the end of the 19th and the beginning of the 20th century, Catholics promoted a campaign to receive full public funding, but were unsuccessful because the courts determined “Catholics had no legal claim to any public financial support for secondary schools they might erect, or to exemption from support of public high schools” (Stamp, 1985, p. 28). As a result, for more than a century, Roman Catholic schools survived by operating a more cost-effective school system through creative measures such as recruiting nuns to teach at a reduced cost (Gidney, 1999).

Premier Davis and extended Roman Catholic funding. Although attempts by Roman Catholic supporters to receive more funding were unsuccessful directly after Confederation, shortly following William Davis’s announcement in 1984, Roman Catholic supporters were successfully able to finally achieve full public funding for all Roman Catholic secondary school grades in Ontario. On June 12, William Davis, the leader of the Conservative party, presented a speech announcing the plan to extend full public funding for Roman Catholic secondary schools (Speirs, 1986).

In his historic speech given to the Ontario Legislative Assembly, William Davis stated:

I wish to outline a new course we have decided to pursue. In the name of both justice and “common sense,” it was time to permit Roman Catholic school boards to establish a full range of elementary and secondary education and, as part of the public system, to be funded accordingly. This new program will be introduced at

the rate of one year of secondary education for each school year, beginning in September 1, 1985. (As cited in Gidney, 1999, p. 124)

To complete the full picture of how Roman Catholic schools came to be fully funded today, the following remaining pieces surrounding Bill Davis's speech deserve attention: the conditions that motivated Catholic supporters to advocate for full funding, factors that influenced the Conservative party to support full funding, Ontarians' polarized reactions to Bill Davis's announcement, the rise of the Liberal provincial government, and remaining phases to push forward full funding.

Roman Catholic supporters' impetus to advocate for full public funding. A reduction in religious vocations and a surge in enrolments after World War II put increased pressure on the Roman Catholic system. As successful as Roman Catholic schools were at operating and maintaining a cheaper school system directly after Confederation, subsequent to World War II their previous solutions were no longer feasible. The Catholic educational system had survived post-Confederation through their reliance on religious orders, but in 1949 the decreased number of nuns available to fill Catholic teaching positions coupled with increased Catholic school enrolments from growing amounts of immigration was a crisis for all schools but in particular placed the Catholic education system in a precarious position (Gidney, 1999). By the 1970s this had become a major crisis. According to Stamp (1985) separate school enrolment soared: "Between 1945-46 and 1969-70 separate school enrolments climbed from 108, 298 to 413, 556 pupils and from 20 to 28 per cent of the total elementary school population (p. 32). According to Gidney (1999) "On the other hand, the increase in the number of teaching nuns lagged far behind. ... In 1949, for example, 46 per cent of the teaching

force was drawn from religious orders; by 1965...15 per cent” (p. 125). To maintain the operation of Roman Catholic schools, the separate school system was forced to commit more money for higher teaching salaries to recruit more teachers to satisfy the high enrolment of students in their schools (Gidney, 1999). As a result of the new financial pressures placed on the Roman Catholic system, Catholic leaders in the 1960s strongly believed that if additional funds could not be secured to alleviate the monetary burdens they were experiencing, the demise of the entire separate school system would be near. To secure the future of their school system Roman Catholic school needed to acquire supplementary finances to pay for higher teaching salaries, to offset their declining support from religious orders, and to keep pace with increased student enrolments in their secondary schools. Their hope of survival: try again to convince the provincial government to fully fund their denominational schools.

Conservative support of fully funding Roman Catholic secondary schools. To mitigate the financial burden that was placed on Roman Catholics after World War II, and to avoid the collapse of their system, Roman Catholic supporters had to convince the Progressive Conservative party in power at the time, to fund the remaining grades in Roman Catholic Secondary schools. According to Lawson (1986) the Liberals and the New Democrats (NDP) had been partly persuaded to fully fund Roman Catholic secondary schools by being promised Catholic votes, and also largely through the Roman Catholic’s convincing central argument, which was: if separate schools were indeed public schools, it was arbitrary to not publicly fully fund all grades in Catholic secondary schools. Additionally, fully funding Separate secondary schools would ensure Catholic students have equal opportunity as students in public schools. Contrary to the Liberals

(who had been traditionally associated with Roman Catholic schools) and the NDP (who believed it was a fairness issue for workers), the Conservative party had been specifically against fully funding Roman Catholic secondary schools because Bill Davis initially believed it was too much of a financial burden (Stamp, 1985). In 1971 the Conservatives still won the election despite being opposed to full funding of Roman Catholic schools. After the 1971 election, the Conservatives hopped on board with funding Roman Catholic schools likely due to the following reasons: increased enrolment, the end of grade 13, to secure Catholic votes, Bill Davis's newly formed close relationships with Catholic leaders, and a Catholic school organization threatened to plot a challenge to the Constitution.

Conservative impetus to publicly fund Roman Catholic schools. The first factor that likely shifted the Conservatives to support fully funding Roman Catholic school was increased enrolment in Catholic secondary schools. According to Gidney (1999) high school enrolments dramatically increased from “32,600 students in 1968 to over 70,000 in 1983” (p. 127), which was likely the final remains of the baby boom. In addition to these increased enrolments, according to Stamp (1985) Roman Catholic supporters “argued that their present tax-supported separate school system, ending at grade 10, discriminated against Roman Catholic children; it broke their schooling into artificial parts at a time when pedagogical thinking called for a unified structure” (p. 32). This argument made it difficult for Conservatives to not give into full public funding for Roman Catholic secondary schools because it would be difficult to explain to more and more Catholic parents that they are required to pay expensive fees in a system that had funded their children's education from grade 10 and down. It is also possible that the

Conservatives became in favour of fully publicly funding Roman Catholic schools to gain Catholic votes. According to Gidney (1999) Catholics during this time period represented approximately one-third of the Ontario electorate. It was in the Conservatives advantage to scratch the Roman Catholic's back by supporting their funding proposal to get their own back scratched by gaining support for their party through securing Catholic votes.

Moreover, the Conservatives also potentially became fans of fully publicly funding Roman Catholic secondary schools as a result of Bill Davis's newly formed personal relationships with Catholic leaders. According to Speirs (1986), Davis had formed intimate relationships with Catholic leaders, in particular Cardinal Carter of Toronto. With Bill Davis at the helm of the Conservative party, it is possible that he steered the party in the new direction of publicly funding Roman Catholic schools due to lobbying from his close friend's political goals. Finally, the Conservative party was likely persuaded to support funding for Roman Catholic schools because they wanted to avoid a Catholic organization's plan to launch a constitutional challenge. The Catholic student organization threatened to launch a constitutional challenge on the grounds of inequities they believed to be inherent within the structure of the existing separate school system. According to Gidney (1999) "the threat in early 1984 by a Catholic student organization to launch a constitutional challenge to the inequities of the existing arrangement" (pp. 127-128) placed additional pressure on Davis. To avoid any negative political attention, which may have risked losing support for the party, it is understandable that the Conservative government would be motivated to give into full public funding for Roman Catholic secondary schools.

In summary, the Catholic student organization's plan to launch a constitutional challenge, Bill Davis's close relationships with Catholic Leaders, securing Catholic votes, and increased enrolment, all to various degrees impacted the Conservative's party decision to change its mind about full public funding. Once the conservative party came on board with the Catholic's goal of receiving full funding, Roman Catholic supporters' dream of having a fully publicly funded school system became inches away from reality. The Conservatives becoming in favour of Roman Catholic supporters proposal is immensely important for the purposes of this paper because once the Conservative party came on board, the notion of publically funding Roman Catholic schools was never debated among parties since all three parties unanimously agreed that they should be fully funded (Lawson, 1986).

Ontarians' polarized reaction to Bill Davis's announcement. Despite a formal debate never being scheduled since all parties were now in favour of full funding, Stamp (1985) argues Ontarians believed this was an important issue that was not being given the attention it deserved. According to Gidney (1999), "the stage was set for the most divisive conflict over an educational issue in Ontario since the middle decades of the nineteenth century" (pp. 124-125). As to be expected the Catholic community was elated. In contrast to the Catholic community, many other groups expressed much more negative reactions to Bill Davis's announcement. According to English (1984), Marilyn Rowe, the president of the Ontario Public School Trustees Association declared that she was "horrificed by the move" (para. 3). The president of the Ontario Secondary Schools Teacher Federation claimed she was "shocked and dismayed" and a prominent evangelical pastor described it as "ugly discrimination" to finance one Christian

denomination school but not any other ones (Cruikshank, 1984). Despite the negative reactions across the province, to reiterate a formal debate that centered on the question, if they should be funded at all, was not scheduled because all three provincial parties were in agreement of fully funding Roman Catholic schools. Despite polarized reactions from the Ontario public, full funding for all Roman Catholic schools charged forward.

Liberals become the new leader of the provincial government. Even though the polarized opinions initially did not receive much formal attention, those in opposition to Bill Davis's announcement left their mark on the 1985 provincial election, which soon after lead to a monumental change in provincial government—the decision to extend funding to all the grades in the Roman Catholic school system was thought to blame. On May 2, 1985 the Conservatives narrowly won the provincial election with 52 seats from 72 seats compared to the Liberals 48 seats up from 28, and the NDP went up three seats to a total of 25 seats (Speirs, 1986). Frank Miller, the new leader of the Conservative party, believed the separate school issue was to blame. According to Gidney (1999),

At a news conference the morning after the election, still shaken by the result, Miller declared that the separate school issue was the reason for the loss of Tory seats and implied that, given the new situation, he might well consider reversing Davis's decision. (p. 132)

Miller's announcement echoes how divided the public felt in regards to the question if Roman Catholic schools should be funded at all, and specifically questions the Conservatives passion of fully funding Roman Catholic schools. Regardless, as a result of the election being so close, the Liberals and the NDP decided to form a pact where the Liberals promised the NDP they would push forward a variety of social policies that the

NDP were in favour of in return for the NDP supporting a Liberal government for 2 years (Speirs, 1986). According to Gidney this pact included: “full funding would begin in September, that the requisite legislation would be introduced promptly, and that there would be public hearings before the bill became law” (p. 132). The Liberals and NDP agreement went successfully as planned, as the Conservative government was historically defeated by the Liberals on June 18, 1985 (McConaghy, 1988).

The final blocks that paved the way to full funding. Once the Liberals came to power, David Peterson, the premier of the Liberal party, introduced Bill 30 known as the separate school legislation, which was similar to principles that Davis previously outlined in his 1984 announcement (Speirs, 1986). According to Lawton (1986) some principles included in Bill 30 were: separate schools right to establish secondary schools with vocational and academic programs and be financed through local property taxes and government grants. According to Gidney (1999) Peterson supplied a statement of intent that outlined three final phases which had to be accomplished before full funding for Roman Catholic secondary schools could be completed. Peterson’s three phases to implement full funding in his statement of intent were:

First, there would be a “full, fair and unfettered” public hearing on the terms of the bill. Second, in order to avert the threat of a later challenge the government itself would refer the bill to the courts for a ruling on its consistency with the constitution. And third, he reaffirmed the Liberal government’s commitment to proceed with full funding for grades 9 to 11 in September 1985. (Gidney, 1999, p. 132)

Phase 1: Public hearings of Bill 30. According to Gidney (1999) the bill received first reading on July 4, 1985, and within a week was approved with a vote of 117 to 1. Before the bill was given a final reading, a public hearing on the bill had to first be completed. Public hearings were facilitated by the “eleven-member Social Development Committee, which included senior members from all three parties” (Gidney, 1999, p. 133). According to Gidney the hearings were “the longest ever held by a provincial legislative committee, lasting from mid-July to mid-November 1985, and attracting 879 submissions” (p. 135). Many topics discussed included: jobs, school transfers, and other suggested ways to best implement full funding (Gidney, 1999).

Although the public was now formally free to speak its mind on the subject, simply because their voices were heard by the Social Development Committee, did not guarantee that Ontarians opinions were fully being listened to. The Ontario Secondary School Teachers’ Federation (1985) argued the Social Development Committee was “determined to discuss only how to best implement full funding to Roman Catholic schools, not the crucial question of whether it should be implemented at all” (p. 3). As a result, the committee did hear the Ontario publics’ suggestions on how to best implement full funding, and even made amendments; however, Ontarians were not listened to because according to Lawton (1986) “the government never provided a forum for discussing whether or not it should fund Catholic high schools; the decision had been taken without public debate” (p. 2). From the Liberals’ point of view, public hearings had been successfully completed, and to move closer to implement full funding to Roman Catholic schools it was time to transition into Peterson’s second phase.

Phase 2: Bill 30's consistency with the Constitution. After public hearings were held, Peterson's phase 2 was to determine Bill 30's consistency with the constitution (Lawton, 1986). According to Lawton, the province's highest court (the Ontario Court of Appeal) was asked

Is Bill 30, An Act to amend the Education Act (to provide full funding for Roman Catholic Separate high schools) inconsistent with the provisions of the Constitution of Canada including the Canadian Charter of Rights and Freedoms and, if so, in what particular or particulars and in what respect? (p. 21)

According to Lawton the final ruling determined was "In a 3 to 2 decision, the Court found the proposed Act to be constitutional. Further, they found that once the school system was extended, government support for separate secondary schools would hereafter be guaranteed by the Charter" (p. 20). Despite a close 3-to-2 decision, from the government's vantage point the bill had been tested, and thus it was now time to move into Peterson's final phase, as a final reading was scheduled during the spring.

Phase 3: Liberal government commitment to full funding, September 1985. After the Liberal government had made attempts to hold a "full, fair, and unfettered" public hearing, despite not addressing the question if they should be funded at all, and Bill 30 was determined to be consistent with the Constitution because section 29 explicitly legally permits Roman Catholic schools to discriminate, Bill 30 was passed into law in late June 1986 (McConaghy, 1988). The future of Roman Catholic schools was now secured. Despite some speed bumps along the way, after being officially carried forward by the Conservatives, and then successfully brought home by the Liberals, Roman

Catholic schools became officially fully publicly funded, and they have remained so in Ontario ever since.

Full funding in 1987: Does not mean support was unanimous with all Ontarians. Simply because full funding was granted to Roman Catholic secondary schools in 1987 is not a reflection that all Ontarians then were in favour of Bill Davis's announcement, and does not justify that they should continue to be funded today. As previously discussed, after the Conservatives came on board with full funding, public hearings to discuss if Roman Catholic schools should even be funded at all never took place because all parties were in agreement, which did not reflect the attitudes of the Ontario public. As evidenced by the horrified and shocked reactions from the president of the Ontario Public School Trustees Association, the president of the Ontario Secondary Schools Teachers' Federation, and leading evangelical pastors (Gidney, 1999), Ontarians were actually quite polarized on the issue. In fact, according to Speirs (1986), "In May 1986, pollster Martin Goldfard, in a survey for the *Star*, found fifty-two percent of Ontarians now disapproved of full funding, while only 45 per cent approved" (p. 191).

This was further showcased in the lost support of the Conservatives during the May 1985 provincial election, followed by Miller's renegeing announcement the day after the election to consider reversing Davis's decision, which illustrates that the public and even the leader of the Conservative party himself were clearly not passionate or certain about extending full funding. Additionally, although public hearings were organized by the Liberal government's Social Development Committee, which as Gidney points out were "the longest ever held by a provincial legislative committee" (p. 125), it also became clear that these hearings only took place to determine how full funding could be

best implemented, and again did not question if they should be funded at all. Finally, although the Ontario Court of Appeal ruled 3 to 2 that Bill 30 was consistent with the Constitution, which is in fact a very close ruling, this ruling only highlights that Bill 30 is consistent with the legal parameters of the Constitution. Section 29 grants denominational schools the right to constitutionally discriminate to protect their denominational rights granted at Confederation, this ruling is legally affirmed, but as mentioned it oversteps individuals fundamental freedoms and equality rights in the Charter as Ontarians are forced to take the back to Roman Catholic schools' denominational rights, a contentious issue discussed in chapter 2 and revisited in chapter 4 in this paper.

The Roman Catholic school systems success in receiving full public funding largely came to fruition because it raised a strong defensible question: is it fair to exclude secondary grades public funding when the rest of the school system already receives public funding? This study finally asks the previously evaded question: should Roman Catholic schools be publicly funded today at all? Now that the final piece of the picture of how Roman Catholic schools came to be fully publically funded is complete, to understand the research problem of the study it is pertinent to understand the Ontario public's lessening support to continue to fund the Roman Catholic school system today.

Ontarians Lessening Support to Publicly Fund Roman Catholic Schools

As mentioned in chapter 1, although the three most prominent political parties in Ontario have ignored debates in regards to this issue—since they are all presently in agreement—increased proportions of the Ontario public have lost confidence in continuing to publicly fund Roman Catholic separate schools. According to Hart (2012), in 1984 a sample of 1,046 Ontario residents were asked “What schools do you think

should be given government funding[?]" (p. 12). The Ontario public responded: 21% Public only, 51% Public and Catholic as now, 26% Public/Catholic and all religious and/or all Private, and 2% did not know (Hart, 2012). In 2012 the same question was asked to a sample of 1,016 Ontarians, and there has been a significant shift in public opinion. According to Hart the public in 2012 responded: 37 % Public only, 36 % Public and Catholic as now, 24 % Public/Catholic and all religions and/or all Private, and 3% did not know. See Figure 3 below. This institutionally conducted public survey indicates that fewer Ontarians today are in favour of providing funding to Roman Catholic schools, and are more inclined to fund only public schools. Ontarians lessening support to continue to publicly fund Roman Catholic schools is an indication that the currently publicly funding the Roman Catholic school system in Ontario may no longer be working. Roman Catholic schools denominational right to receive public funding today may be problematic because they might be no longer applicable to Ontario's evolved demographics.

Denominational Rights Are Incongruent With Ontario's Evolved Contemporary Diversity

Roman Catholic separate schools' denominational right to receive public funding is a problematic issue in Ontario's contemporary educational system because Ontario's demographics have evolved as denominational rights have remained unchanged for nearly a century and a half. As mentioned in chapter 1, though the Parliament of Great Britain passed the Constitution Act to form Canada and combined the requirements for education under Section 93 (Dickinson & Dolmage 1996), according to Mulligan (2008) denominational rights were a necessary compromise at Canada's Confederation but are no longer acceptable today.

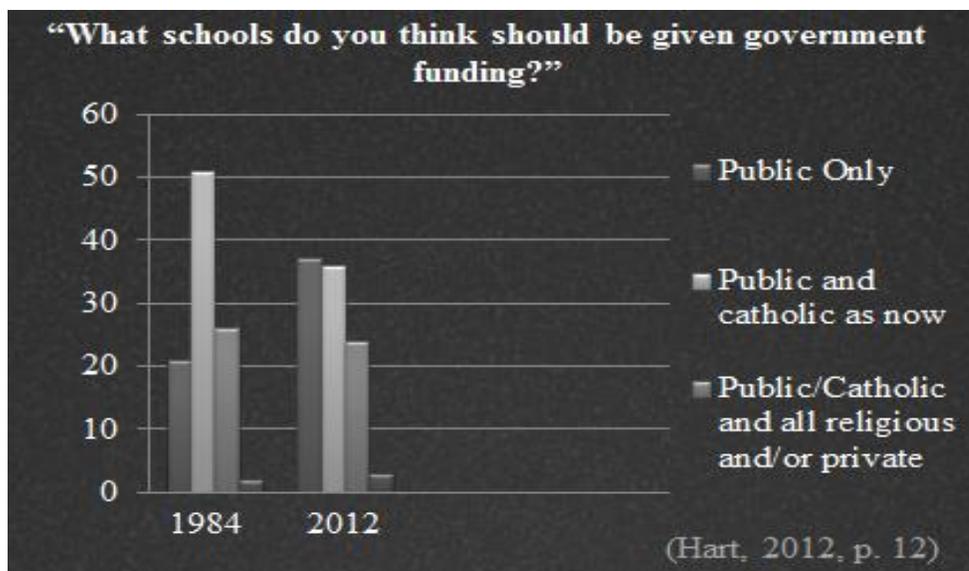


Figure 3. Ontario’s changing public opinion on educational funding.

Continuing to fund Roman Catholic schools may be problematic today because Ontario's contemporary definition of diversity has evolved to become multicultural and multifaceted as denominational rights have remained unaltered. How much Ontario's evolved definition of diversity is today out of touch with denominational rights is investigated in the second policy cycle in chapter 4 of this study.

United Nations Declared Denominational Rights Are Discriminatory

In addition to denominational rights being static for almost a century and a half as the face of Ontario has immensely evolved, Roman Catholic schools right to receive public funding still exists because it is constitutionally permitted. According to Wong (2012), "In 1999, the UN Human Rights Committee ruled it discriminatory to fund only the Catholic system" (para. 6). For instance, if a Catholic parent wants to send their son/daughter to a Catholic school they merely direct their property taxes to the separate school system and sit back and enjoy the privilege of paying one price for the religious education of their choice. On the other hand, if Jewish parents in Ontario for example, wants to send their son/daughter to a Jewish school to receive an education in their faith, unlike Roman Catholic parents, the Jewish parents have to pay costly private tuition, while are still also required to pay their taxes, which funds the public school system. This form of discrimination is best understood through first clearly illuminating that Roman Catholic supporters in Ontario do not fully finance the Roman Catholic school system.

Roman Catholic Schools in Ontario Are Publicly Funded by All Ontarians

Many Ontarians are incorrectly under the assumption that Roman Catholic schools finance their own education because supporters of Roman Catholic schools direct

their property taxes to the separate school system. According to *A Guide for Parents: How Does School Funding Support My Child's Education* (Ontario, 2008),

School boards receive money in two ways. First, some of the property taxes collected in your community go to your local school board. Second, the province tops up this amount to bring the total for each board up to the amount set out by the funding formula [government grants]. (p. 4).

This evidence showcases that Roman Catholic schools do not fully fund their own religious education because property taxes in conjunction with government grants fund Public schools in Ontario.

Property taxes contribution to public school funding. Property taxes are an assessed value of residential, commercial, and industrial properties, that the Ontario Ministry of Revenue assigns and the city then charges a percentage of the property's value to the owner (Slack, 2002). Property taxes are spent on municipal infrastructures, public services, and for the purposes of this paper are also used to fund elementary and secondary schools in Ontario. Although supporters of Roman Catholic schools direct their property taxes to the separate system, the commonly held assumption that Roman Catholic supporters fully finance their own separate school system is untrue. According to the One School System Network (OSSN, 2013b), "school support designations on municipal property assessment have no effect on total school board funding, which is determined by enrolment and other documented needs" (para. 7). As a result, Roman Catholic schools in Ontario receive more money than Catholic supporters' property tax allocations. For example, according to The Canadian Press (2012), "The Roman Catholic school system gets about one-third of Ontario's \$24-billion education budget, but only

23% of electors direct their education taxes to separate schools” (“Court Case,” 2012, para. 5). To understand how this imbalance is made possible, it is important to comprehend the whole picture of how Roman Catholic public schools in Ontario are funded through property taxes in tandem with government grants.

Government grants contribution to public school funding. In addition to the property taxes’ contribution to educational funding, Roman Catholic schools also receive public funding through the following government grants: Foundation grant, Categorical grant, and Equalization Adjustment grant. According to Gidney (1999), government grants are from a combination of provincial sales tax, and provincial income tax, which all public citizens pay to the federal government initially, and are then reallocated back to individual provinces to maintain an equitable standard of education for all schools and students. The Foundation grant, Categorical grant, and Equalization Adjustment grant all provide separate Roman Catholic schools with public dollars.

The Foundation grant’s impact. The Foundation grant (per-pupil funding) provides localities with a set amount of finances determined by a per-pupil amount to fund many school expenses such as custodial services, teachers’ salaries, or textbook costs (People For Education, 2014). Due to the Foundation grant, a school with a student population of 500 would receive less money than a school with a population of 1,000 because a school with a larger population has greater expenses than a school with a smaller student population. To ensure an equitable standard of education for all students in all schools, based upon the particular student population of a school, Roman Catholic schools through the Foundational grant receive public money.

The Categorical grant's impact. In addition to the Foundational grant, the Categorical grant according to People For Education (2014) provides funding to various schools to compensate for unique expenses that schools have depending on their geographic location such as: a large ESL student population, additional transportation costs to bus students in rural areas, or additional heating costs in Northern Ontario. For instance, a school in Northern Ontario with a large ESL population, very cold weather and bussing students much longer distances, will receive more funds through the Categorical grant than a school in Southern Ontario that does not have these unique expenses. Again in the process of maintaining an equitable standard of education for all students, based upon the geographic location that a school is situated in, Roman Catholic schools receive public dollars from the Categorical grant.

The Equalization Adjustment grant's impact. Finally, as much as the Foundation grant and the Categorical grant provide funding to Roman Catholic schools, Roman Catholic schools also receive public dollars through the Equalization Adjustment grant. According to Stamp (1985) the Equalization Adjustment grant provides more funds to poorer communities to offset the variance of the sum value of property in different local regions, which can vary immensely across different localities. For example, unlike schools in affluent areas, schools located in poorer communities will receive more money through Equalization Adjustment grants because these schools may have additional expenses such as a breakfast program. Equalization Adjustment grants, which all tax payers contribute to through provincial sales tax and provincial income tax, provide Roman Catholic schools with public dollars to maintain an equitable standard of education for all schools.

In summary, Roman Catholic supporters do in fact contribute to the separate school system by directing their individual property taxes toward the Catholic education system; however, the false belief that they fully finance their own system is dispelled, when understanding that property taxes along with the Equalization Adjustment grant, Categorical grant and Foundational grant—that all Ontarians finance through their income tax and provincial sales tax—provide public monies to the Roman Catholic separate school system. Now that it is clear that Roman Catholic supporters do not fully finance their own educational system, a burning question that has begun to make its way to the surface in this study is how is it possible to legally finance one group’s faith-based religion and not others?

Denominational Schools Rights Safeguarded Against Provincial Education Laws

As discussed, in Ontario, Roman Catholics or Protestants have the right to their own denominational school systems. According to the Constitution Act section 93(1) mandates “Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union.” As a result, provincial laws in regards to education cannot prejudicially affect denominational schools rights given at Confederation. According to Brown and Zuker (2007) “these rights are different in each province depending on the laws in effect at the time they joined Confederation” (p. 7). As summarized by Brown and Zuker in *O.E.C.T.A v. Ontario the Supreme Court of Canada*, “Section 93 applies directly to Ontario, Nova Scotia, New Brunswick, Prince Edward Island, and British Columbia. However, only Ontario had denominational education rights conferred ‘by law’” (p. 7). As a result, s. 93 (1) has no importance today in British Columbia, Prince

Edward Island, New Brunswick, or Nova Scotia but is applicable in only Ontario (Brown & Zuker, 2007). Additionally, in the remaining provinces in Canada, a revised form of s. 93 exists in Alberta, Saskatchewan, and Manitoba, and both Newfoundland and Quebec today have new constitutional structures for education rights (Brown & Zuker, 2007).

To further ensure provincial laws about education do not prejudicially affect denominational schools rights in Ontario, Section 29 of the Charter, under rights respecting certain schools preserved, states “Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools [Section 93 of the Constitution]”. Additionally, according to Brown and Zuker (2007), “In the *Bill 30 Reference* case, (as will be discussed in chapter 4) the Supreme Court of Canada was asked to consider whether Ontario’s extension of funding for the Roman Catholic school system was constitutional. In upholding the extension of funding (its implications are discussed in more detail in chapter 4), the Court decided that the funding of denominational education for Roman Catholics in Ontario is immune from review under the *Charter*” (p. 7). As a result, individuals’ fundamental freedoms (section 2 of the *Charter*) and equality rights (section 15 of the *Charter*) cannot be used to strike down Roman Catholic schools denominational rights in Ontario. Therefore, individuals’ rights in the Charter (a subset of the Constitution) must take the backseat to Roman Catholic schools’ denominational rights because they cannot prejudicially affect denominational rights safeguarded in the Constitution.

Although this form of discrimination was justified as a necessary compromise to advance Canada’s proposed dominion at Confederation, in light of Ontario’s

contemporary diversity, the question arises whether this form of constitutional discrimination is still justified today. If this form of legal discrimination is found to not be meeting the diversity needs of contemporary Ontario, the Constitution offers a pathway to eliminate this discriminatory yet legal denominational system. Now that the reader has become aware of how Roman Catholic schools' denominational rights are protected against Charter challenges—showcasing them as constitutional but discriminatory—the contemporary potential predicament of continuing to fund Roman Catholic schools but no other faith-based schools is best addressed through the legal case of *Waldman v. Canada* (1999).

Waldman v. Canada: The applicant's arguments. Similar to the hypothetical example of the Jewish parents provided above, the applicants in the Waldman case argued it was also discriminatory to fund Roman Catholic's religion but not others. This legal case is an example of an opportunity where the courts and the public are working through the compromises in the Constitution today. Arieh Waldman was a Jewish parent from Toronto who spent approximately \$95,000 to educate his son at a Jewish school (“UN says funding of Catholic schools discriminatory”, 1999). In this case Waldman challenged the legality of Ontario's current educational system by arguing it was discriminatory to have to finance his son's particular faith-based education, while Roman Catholic parents enjoyed this benefit without any additional financial burden (Bayefsky, 1999). Specifically, in this case, instead of asking the wrong question—is it constitutional to publicly fund only Roman Catholic schools and not others—this case before the United Nations human rights committee was now asking the right question—is it

inherently discriminatory to publicly fund one faith-based groups' religion and not others?

Waldman v. Canada: The committee's decision. The result in this case was a verdict that many non-Roman Catholic religiously diverse families in Ontario had been waiting to hear. The United Nations human rights committee publicly announced in their decision "Ontario's policy of fully funding Roman Catholic schools, while denying full funding to other religious schools, is discriminatory" (Bayefsky, 1999, para. 1). Despite this monumental precedent, the optimism felt by many diverse religious groups was short lived. Even though Waldman along with other various diverse religious groups now seemingly had the ammunition they needed to fight back against the inherently discriminatory educational system, the wind in their sails abruptly faded. According to Zinga (1999), "While the federal government of Canada is responsible for addressing international law, the Ontario government has sole authority over education in the province [as does Saskatchewan and Alberta]" (para. 34).

As such, despite pressures from the federal government influencing Ontario to make educational reforms to put an end to their inherently discriminatory educational system, since the committee's decision has no legal force in Ontario, Ontario's provincial government asserted their right to control their own education as it consciously ignored the United Nations human rights committee's decision without giving it a second thought (Allison, 2007). As a result, Roman Catholic schools in Ontario, despite being identified as foundationally discriminatory by the United Nations human rights committee, continue to receive public dollars today. Similar to the Waldman case, this study has no interest in asking if publicly funding the Roman Catholic school system is constitutional; rather, it

serves to expose in what other ways it is actually discriminatory. Now that the reader has become familiar with the research problem this study is investigating, to further shed light on why a reexamination of our current educational arrangement is necessary in Ontario, it is now pertinent to revisit what the public expects out of our publicly funded educational system.

The Public Purpose of Public Schools

If a school is to receive public funding, it is logical to expect that the publicly funded school should satisfy the determined public purpose of public education. So what then is the public purpose of publicly funded schools in Ontario? According to Butts (1973) the original intent of public schools in the United States historically was “to make them universal, free, and compulsory” (p. 208). Butts maintains these goals were foreshadowed repeatedly “by reformers of the Enlightenment in all major modernizing nations of the West as the prime educational means by which viable nation-states could be built and maintained” (p. 208). It is also pertinent to note that particularly within western nations that became committed to the democratic revolution, secular schools also emerged as a fourth desired goal of the public school system (Butts, 1973). These historical goals were largely developed with a political purpose in mind. According to Butts the political purpose was “to enable peoples who came from diverse national, religious, and cultural backgrounds to achieve a sense of community and to acquire the common values of a democratic polity” (p. 208). Despite this desirable political purpose of public schools, Butts maintains “We are still deeply enmeshed in the thicket of trying to fulfill the dream that has become for many Americans merely a nightmare of frustration, alienation, or disappointment” (p. 209). Specifically, the political thicket

American's educational system is presently in is a "battle grounds for contending racial, ethnic, religious, and professional groups in a struggle to control finances" (p. 208).

Although Butts writes about the American public educational system, since Canada similarly is a modernizing nation of the West that also took a firm hold of the democratic revolution, its historical and political public school system goals are not identical to America's but still can be considered similar.

Although the historical goals of public education inevitably led toward today's envisioned political purpose of schools, the historical goals in Ontario today are also incongruent with the political purpose of public education. In an effort to satisfy the contemporary political purpose of public schools, Butts advocates for "a thoroughgoing re-examination of the idea of public education, its fundamental purposes, its successes and failures, and its possibilities for the future" (p. 214). Only when Ontario's educational system is re-examined to identify its successes and failures—as it will be in this project—can its historical goals be evaluated to measure their consistency with Ontario's present political vision of public education. Now that a reexamination of Ontario's current educational funding has become exposed as necessary, it is important to inform the reader that potentially dissolving Roman Catholic schools denominational right to receive public funding is in fact possible!

Denominational Rights Are Not Cemented

Although Roman Catholic schools' denominational right in Canada's Constitution to receive public funding cannot be ignored, the practice can be amended. Ontario tax payers have a voice in what educational arrangement in Ontario they decide to fund; however, many Ontarians are unaware that denominational rights in Ontario can be

dissolved. According to Hurst (2007) surveys in the media highlight that many Ontarians are ignorant of the Constitution Act of 1982, which possesses amending provisions to change or dissolve denominational rights in provinces. According to Schreiner (2012), since the Constitution Act of 1982, Canada has had in total 10 constitutional amendments, specifically five that pertain to education, and four of these have dealt with funding of religious schools. As mentioned, Quebec, Nova Scotia, Manitoba, and Newfoundland are all examples of provinces that have decided to amend denominational rights because they were no longer applicable in each province. For instance, according to Crook and Truscott (2007), Manitoba omits subsection (2) of Section 93 because it entered confederation with a variance, and recently Quebec and Newfoundland have removed denominational rights all together. According to Mulligan (2005), the former provinces' decisions to amend denominational rights are "an early warning signal for the publicly funded Catholic education community in Alberta, Saskatchewan and Ontario" (p. 115). As the public continues to become aware of the amending provisions that exist within the Constitution Act of 1982, it is transparent that Ontario does possess the amending provisions required to undergo such an educational restructuring.

Chapter Summary

Although it made sense in both historic waves that led to full public funding for Roman Catholic schools at Confederation, continuing to fund Roman Catholic schools with public dollars today is a problematic issue that merits more educational research. The fact that the Constitutional Act of 1982 possesses amending provisions to dissolve Denominational Rights is the exit door that Ontarians may have been seeking to escape out of this presently potentially discriminatory financial educational arrangement. As

long as the public sets its sights on obtaining the public purpose of public schools, the current funding educational arrangement in Ontario may need to continue to transition to the background. As shown in the *Waldman v. Canada* case, this study does not argue if Roman Catholic schools denominational right is constitutional, but seeks to highlight in what ways it is discriminatory to determine if it should remain a right in the Constitution. For as this chapter has shown it is in fact all Ontarians that finance the Roman Catholic schools system and not simply Roman Catholics. The question if Ontarians want to continue to fund Roman Catholic schools despite them being identified as discriminatory by the United Nations is a query that they must answer themselves. As Ontario's demographics continue to grow out of touch with Denominational Rights, it may just be a matter of time before Ontario's lessening support for publicly funding Roman Catholic schools reaches its tipping point.

CHAPTER THREE: METHODOLOGY AND PROCEDURES

Policy Analysis draws upon the critical/advocacy methodology. Creswell (2009) summarizes the ideas of Kemmis and Wilkinson (1998) who outline the aims of this approach as: “focused on bringing about change in practices... advance an action agenda for change”; “helping individuals free themselves from constraints...in the relationships of power in educational settings”; “is emancipatory in that it helps unshackle people from the constraints of irrational and unjust structures... to create a political debate and discussion so that change will occur”; and is “practical and collaborative because it is inquiry completed with others rather than *on* or *to* others” (p. 10). Data were collected conceptually from the following primary and secondary sources such as: academic journal articles, newspaper articles, school performance evaluations, legal precedents, public surveys, Statistics Canada, laws within the Constitution and the Charter, and educational policies from the *Education Act* and from various municipal school boards.

Research Design: Policy Analysis

A policy analysis is an approach to the advocacy/participatory methodology that is well suited to the topic of investigation. This form of research design is used to frame the study. According to Pal (1997) a policy analysis is “the disciplined application of intellect to public problems...policy analysis is in large part a cognitive activity” (p. 12). Furthermore, “Analyzing policy is akin to trying to recreate the maps people used on a journey by studying the paths they took to get to their destination” (Pal, 1997, p. 11). Retracing the steps of a policy’s fruition is a credible research design that possesses great merit for this study. According to Graham, “The policy orientation provides a means for dealing with human purposes in the best scientific framework

possible to aid those who will make social choices” (as cited in Pal, 2001, p. 14). As mentioned, as tensions with this educational arrangement potentially continue to grow closer to its tipping point, the Ontario public (who has the power to dissolve denominational rights in Ontario) needs to be able to form their own knowledgeable political stance to decide if they want to knowingly continue to finance a school system that is inherently discriminatory against an increasing number of Ontarians.

Furthermore, according to Pal (1997) “At its best policy analysis provides guidance to governments as they try to address public problems” (p. 34). This research design is invaluable to this study because it has the potential to emancipate many diverse educational stakeholders from discriminatory practices that are a product of a potentially unjust educational system in Ontario. Consequently, the findings that this research design offers will ensure all educational stakeholders will have a greater likelihood of providing their kin with equitable and inclusive education.

This policy analysis retraces the steps of denominational rights to understand the phases that led to the policy’s fruition, implementation, and potential sustainability. To assist in understanding how a policy became developed, applied, and preserved it is pertinent to take into consideration the anatomy of public policies (Pal, 1992). According to Pal (1992) “The empirical content of any public policy may be reduced to three elements: problem definition, goals, and instruments” (p. 7). This research conducts a policy analysis by completing a policy cycle that I have conceptually designed and which is consistent with Pal’s anatomy of a policy.

The Research Design’s Consistency With the Methodology

The selected research design (policy analysis) is consistent with the chosen

methodology (critical/advocacy approach). A policy analysis is consistent with the critical/advocacy approach because they both share a similar objective—to improve or advocate for change in practice. Furthermore, a policy analysis and the critical/advocacy approach both acknowledge the power relations inherent in policies and also within educational contexts. As educational policies are identified and analyzed in this research, existing power relationships that exist are uncovered to assist educators and educational stakeholders to display the potential constraints embedded in the structure of the publicly funded Roman Catholic school system in Ontario.

Data Collection

As mentioned, data was collected from multiple primary and secondary sources. All of the sources can be accessed online or from educational databases that may be retrieved through a public or a university library. Data were first collected on the basis of its consistency with the conceptual framework and then selected from sources for and against public funding of Roman Catholic schools in Ontario. Data retrieved from the above sources are used as evidence to determine if Roman Catholic schools satisfy the frames outlined in the conceptual framework in chapter 1.

Data Analysis

The evidence selected from the previously proposed secondary sources are analyzed and documented within the guiding principles of the OME's (2009b) *Guidelines* in the conceptual framework. These collected data are organized and displayed under each frame (guiding principle). Each frame is presented in this MRP in the same order that it is outlined in the *Guidelines*. In the first policy cycle each individual frame is collectively discussed because it is already widely held that denominational rights were a

good compromise between Protestants and Catholics at Confederation. Furthermore, in the second policy analysis much of the evidence used in the evaluation section was found to be consistent with some of the guiding principles of the OME's (2009a) *Strategy*. Due to how well “meet individual needs,” “identifies and eliminates barriers,” “promote a sense of belonging,” and “involves the broader community” complement each other, these three criteria will be analyzed, evaluated, and amalgamated together as the following merged criterion: “meets individuals and identifies and eliminates barriers to promote a sense of belonging for educational stakeholders.”

Overview of the Policy Cycle

As mentioned in chapter 1, this research completes two policy cycles to showcase in the first policy cycle that denominational rights were a good compromise at Confederation, and to then determine in the second policy cycle if Roman Catholic schools should continue to be publicly funded in Ontario today. As stated, each policy cycle includes four sections: problem definition, the policy constructed, implementation goals, and evaluation. See Figure 4.

Policy Cycle Section 1: Problem Definition

Each policy cycle will begin with a problem definition. The problem definition section asks: “why was/is there a need for a policy?” According to Pal (1992), “Public policies, as guides to action, may be seen as hypothetical solutions to some perceived problem. The definition of the problem, therefore, is the heart of the policy, and the key to deciphering its meaning and logic” (p. 7). Furthermore, “Knowing the way in which the problem was defined reveals the anatomy or logic of the policy” (Pal, 1992, p. 8).

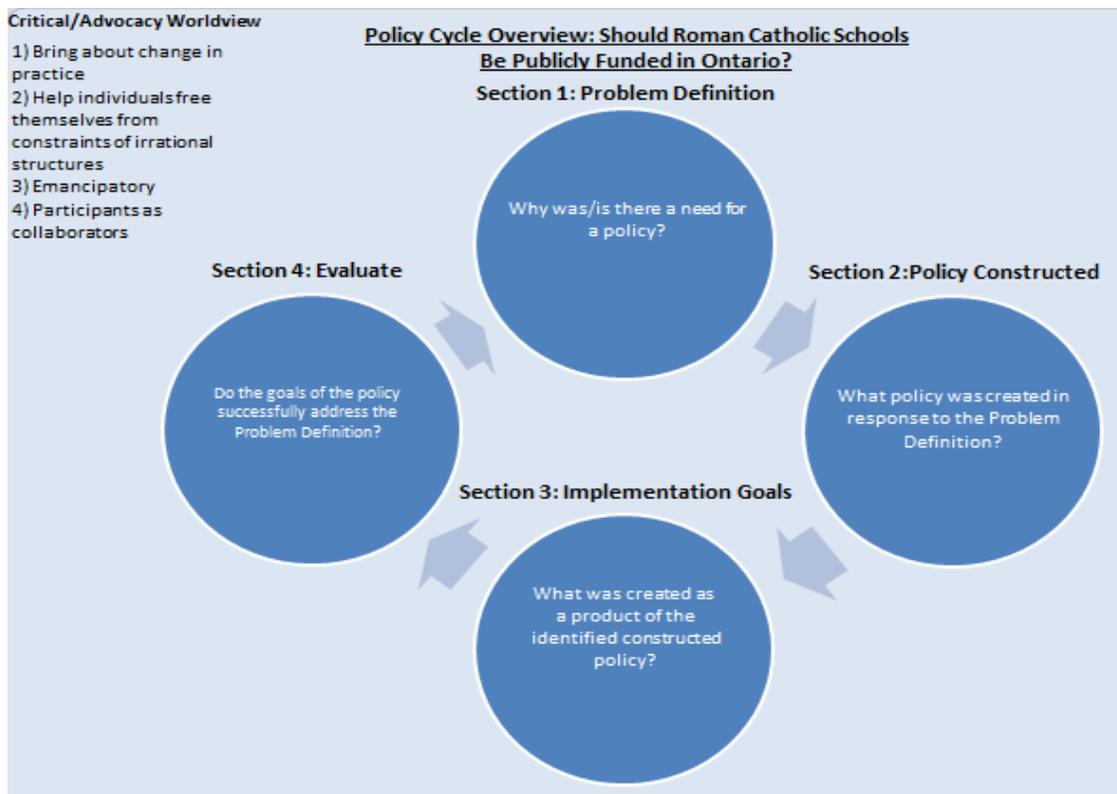


Figure 4. Policy cycle overview.

Through defining the policy's problem definition, the logic and meaning behind a policy can be deciphered, which will illuminate in the first policy cycle the great Canadian Compromise—why denominational rights were historically created based upon Upper and Lower Canada's diversity, and in the second policy cycle what is the best way to educate Ontario's public today in light of its evolved diversity today. See section 1 in Figure 4.

Policy Cycle Section 2: Policy Constructed

Subsequent to each problem definition being defined, the next segment in the policy cycle is identifying the policy constructed. This section asks: "what policy was created in response to the problem definition?" According to Pal (1992) a public policy is "defined as *a course of action or inaction chosen by public authorities to address a given problem or interrelated set of problems*" (p. 2). In other words, this section identifies in both policy cycles what policies were created or have remained the same in response to each policy cycle's different problem definition. See section 2 in Figure 4.

Policy Cycle Section 3: Implementation Goals

After the problem definitions are defined, and the policies created in response to the problem definition identified, the next section of this policy cycle addresses the implementation goals. This section asks the question: "what was created as a product of the identified constructed policy?" According to Pal (1992) "Problem definitions are inextricably bound to policy goals—what the policy is trying to achieve, its aims, and its direction. A policy's goals are made specific by the problems the policy identifies" (p. 9). The implementation goals section in the first policy cycle identifies the empirical impacts that came from the previously identified policy. In the second policy cycle the

implementation goals that may have changed or may still remain intact today will be investigated. See section 3 in Figure 4.

Policy Cycle Section 4: Evaluation

Finally, after definition of the problem, the constructed policies are identified, the implementation goals in both policy cycles are transparent, the last segment of each policy cycle is the evaluation section. This piece of the policy cycle focuses on the question: “do the goals of the policy successfully address the problem definition?” Pal (2002) defines evaluation research as ““the systematic application of social science research procedures for assessing the conceptualization, design, implementation, and utility of social intervention programs”” (p. 39). In this final section of the policy cycle, Roman Catholic schools will be evaluated using the conceptual framework—guiding principles from the OME’s (2009a) *Strategy*—to serve as a litmus test to showcase if in both policy cycles the implementation goals and policies implemented were viable solutions to each policy cycles initial problem definition. See section 4 in Figure 4.

CHAPTER FOUR: POLICY CYCLES ANALYSIS AND EVALUATION

This chapter systematically completes both policy cycles. In light of Upper and Lower Canada's Diversity at Confederation, this first policy cycle showcases the Roman Catholic school system fostered equitable and inclusive education. Taking into consideration Ontario's evolved demographics, the second policy cycle is completed to determine how equitable and inclusive Roman Catholic schools are today. In this first policy cycle, as mentioned in chapter 3, the Roman Catholic school system's ability to foster equitable and inclusive education is demonstrated through four sections: problem definition, policy constructed, implementation goals, and the evaluation section.

Policy Cycle 1: Why Were Denominational Rights Created at Confederation?

The first policy cycle will showcase denominational rights fruition in Canada. The problem definition, policy constructed, implementation goals, and evaluation sections will collectively highlight why it was a necessary compromise to grant denominational rights to Roman Catholics and Protestants at Confederation.

Section 1 Problem Definition: Upper and Lower Canada's Diversity in 1867

As discussed in Chapter Two, at the time of Canada's Confederation, the public debate on diversity issues in 19th century Canada was framed primarily by issues of linguists and religion. In Ontario, the debate involved an English Protestant minority and a French Catholic minority. In Lower Canada (currently Southern Quebec) the diversity of the population was prodigiously Roman Catholic, and French speaking. At the time of Canada's Confederation, according to Rupcic (2009), 99% of the combined population of Upper Canada and Lower Canada was Roman Catholic and Protestant.

Additionally, according to Gidney (1999), during the middle of the 19th century "Upper Canada was...violently anti-Catholic. Indeed if most Upper Canadians had had

their way, there would have been no separate schools—the Protestant majority simply would not have allowed it” (p. 17). To successfully advance Canada’s proposed dominion, Gidney maintains “The result was a series of compromises in both sections that provided for the public funding of two sorts of minority religious schools, and two sorts only – Roman Catholic in Ontario and Protestant in Quebec” (p. 17). As a result, to advance Canada’s proposed dominion, denominational rights were historically created to protect the religious and linguistic minority rights of Roman Catholic and Protestants.

Section 2 Policy Constructed: Section 93 of Constitution (Denominational Rights)

Subsequent to defining Upper and Lower Canada’s diversity, and outlining the problem definition at Confederation, the policies that were constructed to fully public fund Roman Catholic schools include two policies: Section 93 of the Constitution Act, and Section 29 of the Canadian Charter of Rights and Freedoms.

The first federal policy that was constructed is Section 93 of the Constitution. Section 93 of the Constitution was created in 1867 (Brown & Zuker, 2007). As mentioned in chapter 2, since Ontario has had “denominational educational rights conferred “by law” at the relevant time [Confederation]” (p. 13) the guarantees of section 93(1) are applicable to Ontario (Brown & Zuker). The BNA Act states section 93 on education mandates:

93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:

(1) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union.

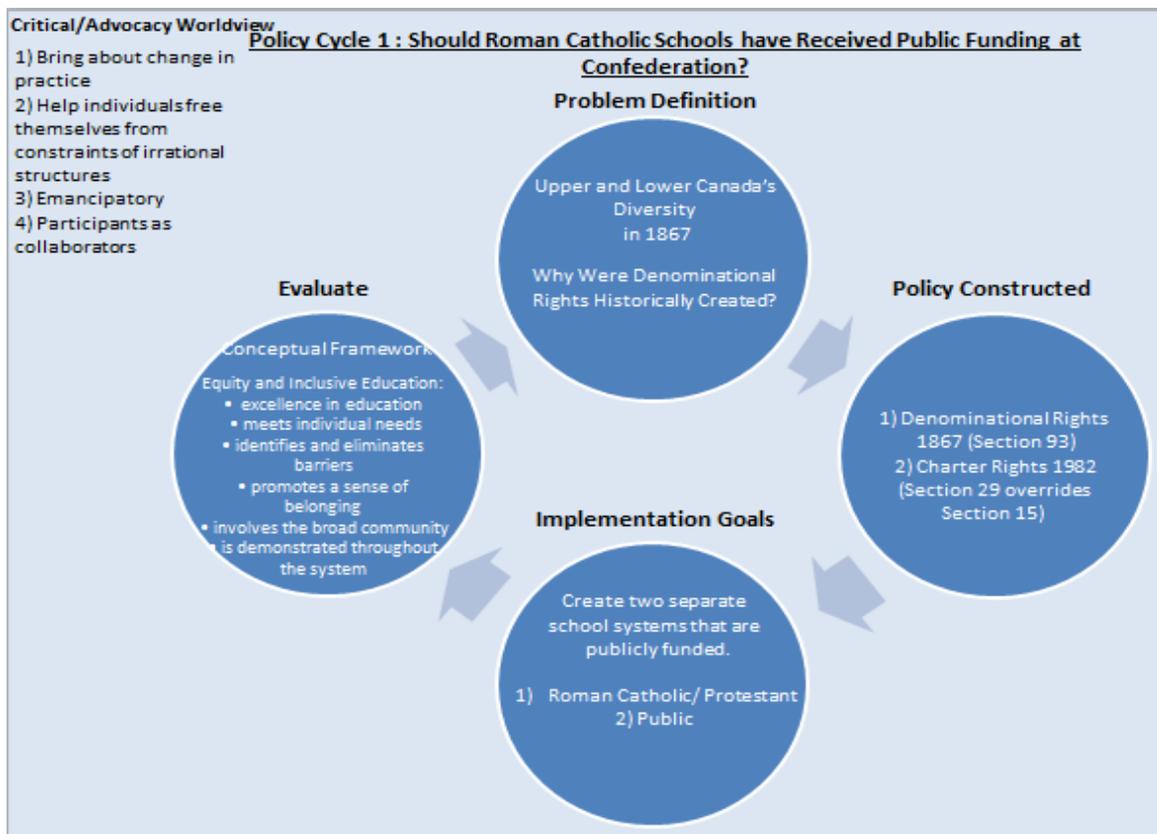


Figure 5. Roman Catholic public funding at Confederation.

This federal policy that was enshrined in Canada's Constitution gives Roman Catholics and Protestant privileges to have their denominational schools legally protected and publicly funded. Furthermore, according to Brown and Zuker (2007), "Provincial laws about education may not prejudicially affect the rights to denominational schools that were in effect at the time of Confederation" (p. 13). Since Ontario has had "denominational educational rights conferred "by law" at the relevant time" (p. 13) the guarantees of section 93(1) are applicable to Ontario (Brown & Zuker, 2007). See section 2 in Figure 5.

Section 2 Policy Constructed: Section 29 of the Charter

In addition to Section 93 of the Constitution granting Roman Catholics and Protestants legal privileges to have their own publicly funded denominational schools, Section 29 of the Canadian Charter of Rights and Freedoms (1982) is another federal policy that was later developed to further protect the privileges of denominational schools. As highlighted in chapter 2, Section 29 of the Charter, under rights respecting certain schools preserved, states "Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools."

As previously discussed in chapter 2, in order to extend funding to Roman Catholic schools' secondary grades, Bill 30 was introduced and brought to "the Supreme Court of Canada was asked to consider whether Ontario's extension of funding for the Roman Catholic school system was constitutional...the Court decided that the funding of denominational education for Roman Catholics in Ontario is immune from review under the *Charter*" (Brown & Zuker, 2007, p. 14). As a result, as mentioned in chapter 2, even

though section 2 and 15 of the Charter guarantees fundamental freedoms and equality rights to all Canadian citizens, individuals' rights in the Charter must take the backseat to Roman Catholic schools' denominational rights because they cannot prejudicially affect Roman Catholic school's denominational rights safeguarded in the Constitution (Brown & Zuker, 2007). See section 2 in Figure 5.

Section 3 Implementation Goals: Public Funds for Public and Separate Schools

Now that the problem definition, and the policies that were created in response to the problem definition at Confederation are identified, this policy cycle will now delve into the policy's implementation goals. According to Brown and Zuker (2007) denominational rights in Ontario are Roman Catholics' and Protestants' constitutional right to have their own publicly funded denominational schools. As a result of the policy that was created in response to the original problem definition, presently Ontario has two publicly funded school systems: Roman Catholic school boards, and public school boards. To preserve the privileges enjoyed by the publicly funded Roman Catholic schools, several other supplementary policies have been developed in the *Education Act*.

The *Education Act* legally permits Roman Catholic Schools the right to do the following: provide educational religious programming, conduct religious exercises that may include indoctrination and hand-pick which educators they choose to hire in their school boards. Finally, in addition to the *Education Act* additional policy statements from the Ontario Catholic English Teachers Association (OECTA) have also been developed to facilitate the successful implementation of the former policies implementation goals to erect two publicly funded school systems. As mentioned, because these supplementary policies are outside the scope of this research they are worth noting but will not be given expansive attention in the policy cycle.

Section 4 Analysis: Roman Catholic and Protestants

Through the simple process of retracing our steps through this policy cycle, it is transparent that the implementation goals did align well with the policies that were constructed, which was also a match to the initial problem definition that was shaped by Upper and Lower Canada's definition of diversity at Confederation. In other words, the changes over the years both resolved inequities in the implementation of the 1867 model. According to Pal (1992), "Policies are modern governments' quintessential response to this environment. They connote a plan, a coherent vision, a direction, and a resolve to get on with the job" (p. 6). To remain within the scope of this study it is fair to assume that publicly funding both Separate schools and public schools, through creating and implementing denominational rights, was a good compromise to meet the majority of the needs of both Upper and Lower Canada's demographics at the time of Confederation. Furthermore, Mulligan (2008) similarly maintains denominational rights were an appropriate compromise at Canada's Confederation. As much as the overwhelmingly Protestant and Roman Catholic population did have their educational needs satisfied, it is worth however noting that a small population of educational stakeholders in Lower and Upper Canada did not benefit from this educational arrangement at the time of Confederation.

Section 4 Analysis: First Nations Historically Ignored

As much as Protestants and Roman Catholics unquestionably received equitable and inclusive education as their minority rights were respectively protected, a side point that is worth highlighting is how First Nations did not benefit from this educational arrangement. Although First Nations' schooling was largely federal and this policy issue

is largely separate, the historical treatment of First Nations educational experiences still briefly deserve attention. In this historical context, many First Nations groups experienced tragedies through their involuntary participation in the residential school system. In the government's systematic effort to assimilate them into society, many First Nation groups experienced horrific injustices such as: being physically abused, sexually assaulted, and prohibited from any form of expressing their culture. It is transparent that unlike the Roman Catholics and Protestants, First Nation groups in no way, shape, or form experienced an inclusive and equitable public education during this historical context.

Section 4 Evaluation: Did Roman Catholic Schools at Confederation Foster Equitable and Inclusive Education?

As much as the devastating treatment of First Nation groups will remain forever a scar in Canada's history, in light of Upper and Lower Canada's religiously diversity composing 99% of Roman Catholics and Protestants, First Nations negative educational experiences do not overshadow that the above guidelines of equity and inclusive education are transparently satisfied since two school systems have been erected to directly meet each distinct group individual needs. As a result, denominational rights pre-Confederation are seen as a policy that addressed in a thoughtful way the diversity issues of the time. See Figure 6. In the meantime, Ontario has changed so that the compromises in 1867 and further changes may today longer serve the diversity of Ontario.

Policy Cycle 2: Overview

In the second policy cycle the problem definition, policy constructed, implementation goals, and evaluation sections will now collectively determine if Roman Catholic schools should continue to be publicly funded in Ontario.

Policy Cycle 2: Should Roman Catholic Schools Continue to Be Publicly Funded Today?

While the first policy cycle showcased—in light of Upper and Lower Canada’s Diversity at Confederation—that denominational rights were a necessary compromise to protect the minority rights of Protestants and Catholics, and therefore the Separate school system fostered equitable and inclusive education, the second policy cycle will evaluate—taking into consideration Ontario’s evolved demographics—how equitable and inclusive Roman Catholic schools are today. In this policy cycle, as mentioned in chapter 3, how equitable and inclusive Roman Catholic schools are today is determined through the same four sections in the first policy cycle: problem definition, policy constructed, implementation goals, and the evaluation section.

Section 1 Problem Definition: Ontario’s Contemporary Definition as Multifaceted and Multicultural

Ontario has become more diverse since Canada’s Confederation and with its evolved diversity, the conception of equity, diversity, and inclusion has also changed. Instead of diversity simply encompassing religion and language—as it did in pre-Confederation—Ontario’s contemporary definition of diversity has immensely evolved. The OME’s (2009b) *Guidelines* define *diversity* as the “presence of a wide range of human qualities and attributes within a group, organization, or society” (p. 4). Ontario’s

diversity has evolved to become much more complex today than it was compared to pre-Confederation. Specifically, Ontario's diversity has evolved to presently become immensely more multifaceted and multicultural. See section 1 in Figure 7.

Section 1: Ontario's contemporary definition of diversity as multifaceted. In addition to simply religious and linguistic diversity at pre-Confederation, Ontario's notion of diversity today is much more multifaceted. For example, according to the OME's (2009b) *Guidelines*, "The dimensions of diversity [presently in Ontario] include, but are not limited to, ancestry, culture, ethnicity, gender, gender identity, language, physical and intellectual ability, race, religion, sex, sexual orientation, and socio-economic status" (p. 4). This topical definition of diversity in Ontario reflects the presently accepted perspective of the courts and the government. Since many characteristics compared to Ontario's previous definition of diversity are now encompassed in Ontario's contemporary notion of diversity, Ontario's present diversity will first be identified as multifaceted.

Ontario's Educational Institutions Equitable and Inclusiveness Checklist	
Name: Roman Catholic Schools	
Diversity: Upper and Lower Canada's Diversity at Confederation	
Criterion	Checklist
is a foundation in excellence	✓
meets individual needs	✓
identifies and eliminates barriers	✓
promotes a sense of belonging	✓
involves the broad community	✓
builds on and enhances previous and existing initiatives	✓

Figure 6. Completed evaluation section: Conceptual framework in policy cycle 1.

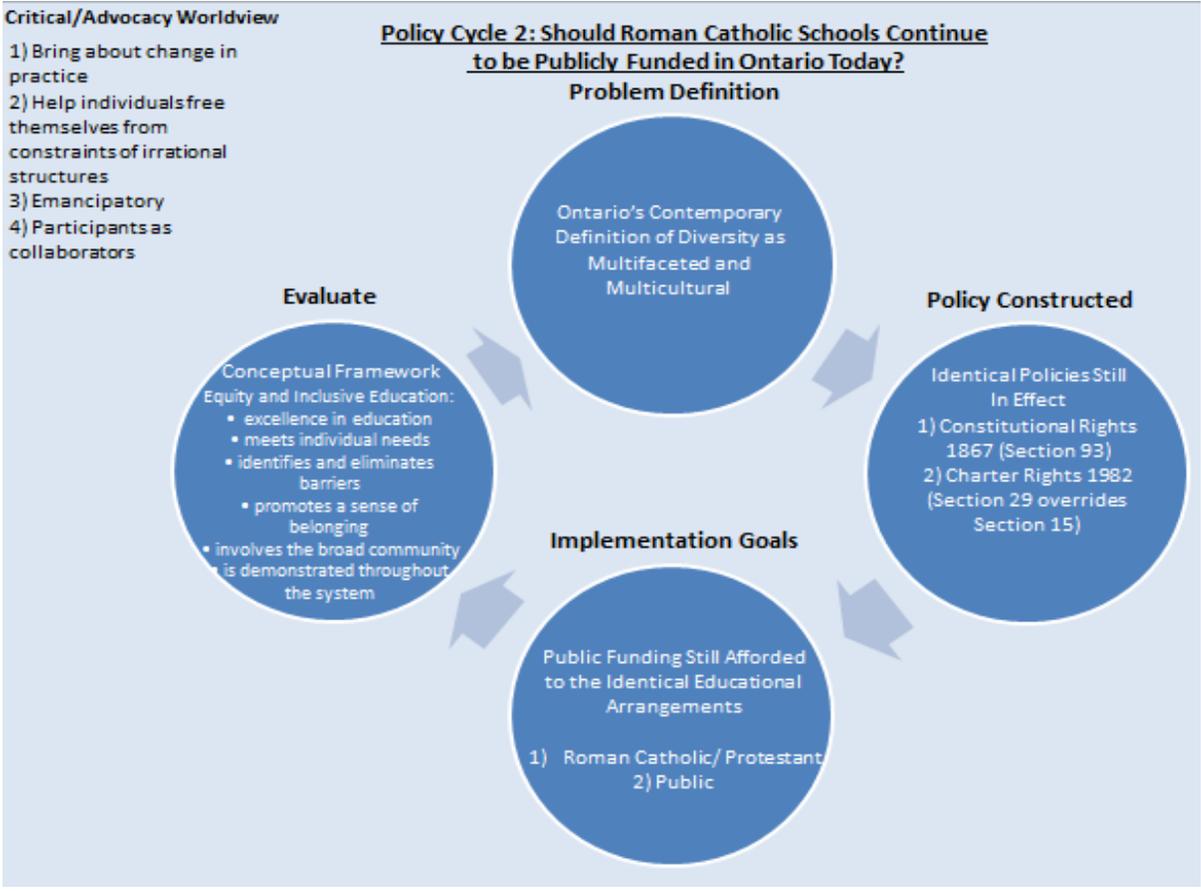


Figure 7. Should Roman Catholic schools be funded today?

Section 1: Ontario's contemporary definition of diversity as multicultural. In addition to Ontario's current understanding of diversity becoming more multifaceted, Ontario's present definition of diversity is also today more multicultural. Whereas the dimensions of diversity prior to Confederation focused primarily only on the combined cultural diversity of linguistic and religious affiliations, Ontario's present pluralistic diversity is now reflected within the concept itself of multiculturalism, and also in multicultural policies. According to the OME's (2009b) *Guidelines*, "Canadians embrace multiculturalism, human rights, and diversity as fundamental values" (p.7). Furthermore, the *Guidelines* define multicultural education as "to promote the understanding and respect for cultural and racial diversity" (p. 90). Aside from simply valuing religious and linguistic diversity at pre-Confederation, the concept of multiculturalism is alive and strong in Ontarians today.

Aside from the evolved notion of multiculturalism as a concept, cultural diversity also stands as an official government policy. According to Dewing (2009), Ontario has formally adopted an official multicultural policy in 1977 concerned with advocating for the cultural activities of diverse groups, and more recently has also established the Ministry of Citizenship and Culture in 1982, which goal is to "recognizing the pluralistic nature of Ontario society, to stress the full participation of all Ontarians as equal members of the community, encouraging the sharing of cultural heritage while affirming those elements held in common by all residents" (p. 15). In addition to Ontario formerly adopting a multicultural policy, according to the OME's (2009b) *Guidelines*, between 2001 and 2006, half of Canada's total visible minorities live in Ontario. Furthermore, as

the focus of this paper is denominational rights, it is useful to examine more fully the census data on religious affiliations.

According to a Statistics Canada 2001 census, the most prominent religious groups recorded in the population of Ontario are as follows: 34.3% Roman Catholic, 16.0% claim no religion, 11.8% United Church, 8.7% are Anglican, 3.1% Muslim, 2.7% Christian not included elsewhere, 2.6% Baptist, 2.5% Presbyterian, and 2.3% Protestant not included elsewhere. Even though the most prominent religious group in Ontario is Roman Catholic, the true amount Catholic support is best articulated by showcasing how an increased amount of Ontarians who once identified as religious are now becoming secular. According to Kennedy (2002) throughout the last few decades Canada has “replaced its former Christian culture with a secular one” (p. 19). Clark and Schellenburg (2008) support this notion showcasing Canadians over the age of 15 who claim a religious affiliation, but who have not attended any religious services has increased from 19% in 1985 to 25% in 2004. In light of Ontario’s evolved notion of multiculturalism, an organizational effort committed to ensuring its goal of multiculturalism, increased visible minorities and religious diversity in Ontario’s population, and increased amounts of individuals being secular, Ontario’s contemporary definition of diversity is also defined as multicultural.

Overall, taking into consideration Ontario’s increased amount of religious diversity, visible minorities, and its organizational effort to safeguard its goal of multiculturalism in conjunction with the plethora of traits that are now included in Ontario’s notion of diversity, Ontario’s collective contemporary understanding of diversity is defined as multicultural and multifaceted. In light of Ontario’s evolved

diversity, the new problem definition that Ontario faces today is centered on: Is Ontario's educational funding arrangement still suitable with the multicultural and multifaceted new face of Ontarians?

Section 2 Policy Constructed

Although constitutions typically lag behind changes in thinking and society, surprisingly after almost nearly a century and a half, despite the evolution of Ontario's new definition of diversity, denominational rights—Section 93 of the Constitution—reinforced by Section 29 of the Charter still remain unchanged. As a result of Ontario's evolved diversity, it is time to review and contextualize—the politically awkward evolution of this issue that has led to a growing disparity between the law/schools and the current definition of diversity of Ontario. See section 2 in Figure 7.

Section 3 Implementation Goals

Similar to the previously mentioned policies in the former section, Ontario's present educational arrangement—which is a product of its policies—also has remained unaltered. Despite a dramatic shift in Ontario's demographics, the publicly funded educational institutions since Canada's conception remain unchanged. Ontarians still contribute public funds to both the public school system and the Roman Catholic school system. The time to question if Roman Catholic schools in Ontario should continue to be publicly funded has never been more topical. See section 3 in Figure 7.

Section 4 Policy Cycle 2

Now that Ontario's present problem definition has been defined, and policies and implementation goals have been exposed as remaining stationary, the conceptual framework previously outlined in the Chapter One and deployed in the first policy cycle

will now investigate—as a result of Ontario’s evolved multifaceted and multicultural definition of diversity—whether the guiding principles of OME’s (2009b) *Guidelines* are sufficiently satisfied by the Roman Catholic school system in Ontario? If the Roman Catholic school system is found to not be equitable and inclusive, Roman Catholic schools should not continue to be publicly funded in Ontario’s future. See section 4 in Figure 7.

Frame 1 Analysis: “Is a foundation in excellence”. The first guiding principle of the OME’s (2009b) *Guidelines* “is a foundation in excellence” (p. 11). According to the *Guidelines*, this first criterion is defined as: “In a diverse society, equity is a fundamental requirement for educational excellence and high standards of student achievement” (p. 13). To be an equitable and inclusive school that deserves public funding, Roman Catholic schools must create a foundation of excellence for all their students.

Student performance in Roman Catholic and public schools. Overall, student performance in Roman Catholic schools’ is marginally better than Ontario’s public school system. According to Brown (2012), “Of the top 29 schools in Ontario—based on a fancy formula that screens out family factors that give some schools an edge—17, or nearly two-thirds, are Catholic even though the public system is twice as large” (para. 2). These results are based upon a recent study entitled: *Ontario’s Best School’s: 2009-2011*. In this study, Johnson and Brydon (2012) compared student outcomes in elementary schools that have student populations from similar socio-economic backgrounds. Johnson and Brydon define a good school as “one that does better than predicted based on its student population” (p. 2). To determine which schools are “good schools,” Johnson and

Brydon used data from EQAO assessments to first estimate a schools particular pass rate, which is “the schools pass rate in each year minus the provincial average pass rate in that year, averaged over three school years and the three assessments” (p. 2). Once the adjusted pass rate was calculated, Johnson and Brydon then used data from the 2006 Census to calculate the educational institutions adjusted pass rate based on several socioeconomic factors, such as the average level of education of the students’ parents/guardians or the amount of current immigrants at the school. Even though the study of EQAO assessment data indicated that Roman Catholic schools performed better in the ranking of Ontario public schools, it must be kept in mind that the differences were marginal and can be accounted for.

Criticisms of “Ontario’s Best Public Schools 2009-2011”. Firstly, the ranking of schools gives the illusion that one school system is superior to another, even though the difference between some schools was in fact marginal. As summarized by Brown (2012), Ben Levin cautions against ranking educational institutions that are only marginally ahead of one another stating ““a 2 per cent gap can reflect just one student, depending on the size of a school”” (Brown, 2012, para. 5). In other words, simply because a Roman Catholic school may marginally rank higher than a public school, this may be only a reflection of a couple of lower-achieving students in a given school’s student population, which does not guarantee a definitive edge.

In addition to some schools being ranked over others despite only marginal differences, economic professor David Johnson suggests these slight advantages could be a result of Catholic schools in Ontario being more selective (Brown, 2012, para. 4). Many Roman Catholic school boards mandate prospective elementary students provide proof of

baptism to attend their schools. This freedom grants elementary principals in Ontario the autonomy to hand-pick students of their choice. As a result, a principal may allow access to higher-achieving students to their schools; while simultaneously deny admission to lower-achieving students, all in an effort to increase their school-wide test scores, which has positive implications for the principal such as enhancing the desirability of their school. For instance, the Durham Catholic District School Board (DCDSB) in one school board among many Catholic school boards in Ontario that has policies in place that require parents/guardians to provide proof of baptism to enrol their son/daughter. In an effort to increase or maintain a high level of student performance in Roman Catholic schools in Ontario, principals may refuse access to students who have low student achievement under the disguised reasoning of not diluting their Catholic school's faith.

Roman Catholic schools' religious right to filter through which students they want to attend their school is protected under Section 93 of the Constitution and reinforced by section 29 of the Charter. Since many Roman Catholic boards in Ontario have similar student enrolment policies, denominational schools right to selectively hand pick their student population may also contribute to the overall student performance superiority they presently are believed to have over public schools. In summary, the marginal differences in favour of the Roman Catholic school system are accounted for through a closer look into a school's student population, while also taking into consideration Roman Catholic elementary schools right to temptingly selectively hand-pick students with already inherent strong school-achievements.

Frame 1 evaluation: For which students do Roman Catholic schools foster excellence in education? Although Roman Catholic schools have been identify as

marginally outperforming public schools in regards to student performance, this can be largely accounted for by a schools given student population and administrators denominational right to selectively hand-pick their students through requesting proof of baptism. Even after the above criticisms, it remains transparent that Roman Catholic schools system comparably to the public school system does satisfy the first principle of equitable and inclusive education by fostering a foundation of excellence for their students.

Frame 2, 3, 4, and 5 Analysis: Meets Individual Needs and Eliminates Barriers to Promote a Sense of Belonging for Educational Stakeholders

In addition to building a foundation of excellence, “meets individual needs,” “identifies and eliminates barriers,” and “involves the broader community” must also be satisfied to prove Roman Catholic schools are equitable and inclusive educational institutions that should be provided with public dollars (OME, 2009a, p. 11). As previously discussed in chapter 3, since much of the evidence used in the evaluation section was found to be consistent across all four of the above guiding principles of the OME’s (2009a) *Strategy*, these criterion will be analyzed, evaluated, and amalgamated together as the following criterion: “meets individuals and identifies and eliminates barriers to promote a sense of belonging for educational stakeholders.”

According to the OME’s (2009b) *Guidelines* “meets individual needs” is defined as: “equity does not mean treating all students in the same way but, rather, responding to the individual needs of each student and providing the conditions and interventions needed to help him or her succeed” (p. 13). The *Guidelines* also define “identifies and eliminates barriers” as “All students are supported equitably through the identification and removal of

discriminatory barriers that limit their ability to achieve to their full potential” (p. 13).

Additionally, the *Guidelines* document also outline promotes a sense of belonging as:

“Equity and inclusive education contribute to every student’s sense of well-being (p. 13).

Lastly, the document states “involves the broad community” is “Equity and inclusive education contribute to every student’s sense of well-being” (p. 13). In order for Roman Catholic schools to be considered an equitable and inclusive educational institution, which should continue to receive public funding in Ontario, the criterion “meets individual needs and identifies and eliminates barriers to promote a sense of belonging for educational stakeholders” must be effectively satisfied by the Roman Catholic school system.

Frame 2, 3, 4, and 5 Analysis: Meets Individual Needs and Eliminates Barriers to Promote a Sense of Belonging for Educational Stakeholders

In this analysis section, evidence collected that raises equity and inclusion concerns in regard to the above guiding principles of the OME’s (2009b) *Guidelines* will first be discussed followed then by a discussion the sheds light on instances of Roman Catholic schools satisfying the criterion. Roman Catholic schools do not “meet individual needs and eliminate barriers to promote a sense of belonging for educational stakeholders” because (a) it is constitutionally discriminatory to fund one faith-based education and not others, (b) they deny students’ access to enrolment, (c) school events, (d) extracurricular activities, (e) mandate non-Roman Catholic students participate in Roman Catholic religious studies, (f) legally discriminate against educators’ individual rights, and (g) limit employment opportunities for non-Roman Catholic educators.

Evidence of Frames 2, 3, 4, and 5 Not Satisfied by the Roman Catholic School System

This section will first analyze evidence of Roman Catholic schools not fostering equitable and inclusive education. Roman Catholic schools failure to comply with the guidelines 2, 3, 4, and 5 will be showcased throughout the previously mentioned discussion points.

Constitutionally discriminatory to fund only Roman Catholics' faith-based education and not others. One present concern is Roman Catholic schools are failing to satisfy the individual needs and are not identifying and eliminating barriers to promote a sense of belonging for educational stakeholders in Ontario because extending public funding to one faith-based religion and not others although constitutional; however, as evidenced in the Waldman case discussed in chapter 2, it is still inherently discriminatory. As mentioned, since Roman Catholic schools are the only faith-based schools that receive public funding in Ontario, the United Nations have already determined their educational system is inherently discriminatory in favour of Roman Catholics. As the Waldman case has served to illuminate how publicly funding Roman Catholic schools and no other faith-based schools is discriminatory, the legal case of *Adler v. Ontario* (1994) serves as evidence to showcase how Roman Catholic schools still possess the power to constitutionally discriminate against non-Roman Catholics, which is a barrier that fails to satisfy the individual needs and neglects to promote a sense of belonging for non-Roman Catholic educational stakeholders.

Adler v. Ontario: the applicant's arguments. Similar to the Waldman case, the applicants in the Adler case argued it was also discriminatory to fund Roman Catholic's education but no other religious groups' education. According to Dickinson and Dolmage (1996), in *Adler v. Ontario* (2004) the applicants of this case "claimed a violation of their

rights to freedom of conscience and religion as guaranteed in section 2(a) of the Charter” (p. 370) because the applicants believed it was discriminatory for the Ontario government to not provide them with public funding to give to their child an education that was consistent with their religious values in their home. Additionally, the applicants also claimed a violation of “section 15(1) rights to equal benefit of the law” (p. 370) because the applicants in this case had to pay private tuition to send their child to receive the religious education of their choice (Dickenson & Dolmage, 1996). As a result, according to Dickinson and Dolmage the applicants maintained that although compulsory attendance mandated they send their children to school “For reasons of conscience” (p. 370) they could not send their children to either the separate or public school system because the values that were explicitly taught in these boards were inconsistent with their beliefs at home.

Adler v. Ontario: The court’s decision. The Ontario Court of Appeal determined “the applicants’ decision to send their children to private schools was the result of their convictions, not the result of government action” (Dickinson & Dolmage, 1996, pp. 370-371). According to the *Education Act* (1990) Ontario’s compulsory attendance provisions state a child’s attendance is excused as long as they receive adequate “instruction at home or elsewhere” (section 21[2][a]). Consequentially, it was determined that the parents’ decision to send their children to private schools was a result of their own decision, not the government forcing their hand. According to Dickinson and Dolmage (1996), the Ontario Court of Appeal also found that since Ontario’s policy was to not provide funding to private schools the parent’s arguments was a state of “inaction” instead of a state of “action” (p. 371), which is not grounds for a Charter challenge.

Furthermore, the court also determined that since the Ontario government policy equally refuses funding to all private schools there was no special treatment against the applicants of this case, and thus the case was a matter of public versus private schools, not based upon religion, which was determined to not be a violation of the applicants' rights under section 15 of the Charter (Dickinson & Dolmage, 1996). Therefore, according to Dickinson and Dolmage, the applicants in this case were unsuccessful because "the government is not required to fund private schools, including private religious schools" (p. 371).

As discussed in chapter 2, this case similarly showcases how Charter challenges cannot be used to strike down Roman Catholics denominational rights protected in the Constitution. Despite the applicants of the Adler case being unsuccessful, it is pertinent to mention Chief Justice Dublin's statement in the Adler case; Dickinson and Dolmage (1996) quoted Chief Justice Dublin's decision in *Adler v. Ontario* (1994) as:

It is not necessary in this case to determine whether it would be open to the government, in the absence of specific constitutional authority (such as s. 93 of the Constitution Act, 1867), to provide public funding for all private, religious-based independent schools. This will be dealt with by the courts in the event that such a situation arises and is challenged. (p. 371)

Chief Justice Dublin's statement highlights how this judgment is again simply a reflection of the laws the Ontario Court of Appeal has to follow in determining if the Adler case is constitutional (similar to Bill 30 being determined constitutional), not a question of if these laws are discriminatory in themselves as already identified by the United Nations. Furthermore, as also previously mentioned in Chapter 2, Justice Dublin

statement reminds Ontarians that they do in fact possess amending provisions in the 1982 Constitution to call for a referendum to dissolve denominational rights if they become galvanized enough to pursue that course of action. As long as Ontarians continue to publicly fund Roman Catholic schools, all diverse religious minorities in Ontario who are denied their own publicly funded faith-based education, similar to the applicants in the Adler case, will not have their individual needs met, which will fail to create a sense of belonging for all non-Roman Catholic educational stakeholders.

Deny access to non-Roman Catholic students' enrolment. As much as Roman Catholics' constitutional power to denominationally discriminate being the only faith-based group to receive public educational funding is cumbersome, as Roman Catholic schools deny access to non-Roman Catholic students' enrolment in their elementary schools, they will again be ignoring the individual needs of their educational stakeholders, and have created and maintained another obstacle that has purposefully closed their doors to not only non-Roman Catholic educational stakeholders, but also any hopes of embracing Ontario's bountiful multicultural diversity. Roman Catholic school boards mandate prospective elementary students to provide proof of baptism to attend their schools. As shown in the Niagara Catholic District School Board's frequently asked registration questions (2014), a prospective student must be baptized Catholic or have at least one Catholic parent in order to gain admission to the NCDSB.

Since boards throughout Ontario have similar policies to the NCDSB, non-Roman Catholic students across the province who ironically finance these schools are hit with a brick wall when they attempt to enrol in the Roman Catholic school system. Roman Catholic schools' denominational rights to deny access to non-Roman Catholic

students—simply because they are unable to provide proof of baptism—is legally possible through Section 29 of the Charter—as previously mentioned in chapter 2.

As discussed in the problem definition section of this chapter, according to the OME's (2009b) *Guidelines*, Canadians value multiculturalism, human rights, and diversity. As long as Roman Catholic schools close their doors to non-Roman Catholic students they will be failing to embrace what Canadians value most—fundamental standards of diversity, human rights, and multiculturalism. The impact of this discriminatory practice is far-reaching and it cannot be easily remedied. As long as this discriminatory practice persists, Roman Catholic schools will be effectively segregating students along religious lines, which is not an accurate reflection of Ontario's desired accepting multicultural society.

The main issue in this conundrum is simply Roman Catholics students should not have access to denominational schools when other diverse religious groups do not. To meet Ontario's multicultural needs access/choice should be considered. At the same time, in an effort to solve this paradox, this analysis section does not advocate for more Roman Catholic schools to open their doors to more non-Roman Catholic students—although this would in fact be more accepting, it would still be negatively compounding this issue by further watering down an already diluted Roman Catholic school system. A band-aid solution such as this can only effectively serve to heal wounds on the surface, not lesions that are deeply embedded as foundational fractures in the Roman Catholic school system. This is further reinforced as the reader will shortly be exposed to a plethora of problems that are inherent in Roman Catholic secondary schools—which unlike elementary schools permit access to religiously/culturally diverse students.

As a result, Roman Catholic schools opening their doors to non-Roman Catholic students will not simply put this issue to rest. The only solution to embrace Ontario's multicultural diversity, and to ensure students are not segregated along religious lines, is to systemically restructure Ontario's broken educational arrangement from the ground up by perhaps transitioning into faith-based schools for all diverse religions or none. In the meantime, as more and more non-Catholic students continue to be denied access to enrol in Roman Catholic schools, the Roman Catholic school system will be intentionally erecting a barrier that fails to meet the individual needs and promote a sense of belonging for all non-Roman Catholic students, which simultaneously hinders Ontario's envisioned multicultural society.

Roman Catholic schools deny students access to events. As much as constitutionally discriminating against religious groups attempts at receiving their own publicly funded faith-based education, and prohibiting non-Roman Catholic students' access to enrolment are problematic, outlawing a student from an extracurricular event is another issue that limits other forms of equity and inclusion for Ontario's present diverse population. Specifically, the Roman Catholic school system has been responsible for banning a student from an extracurricular event, which negatively impacts Lesbian, Gay, Bisexual, Transgendered, and Questioning (LGBTQ) students. An example of an LGBTQ student being denied access to events in Roman Catholic schools is best exemplified through the legal case of *Marc Hall v. Durham Catholic School Board* (2002). It is important to mention that even though similar students to Marc Hall will today be accommodated due to changes in law (explained in detail in discussion point D),

Marc Hall's case reveals tensions that still remain even after specific policies were forced to change.

Hall v. Durham Catholic School Board (2002). Marc Hall was a 17-year-old homosexual Catholic high school student. Mr. Hall requested approval to bring his male date to his high school prom and was denied by the school principal on the grounds that the prom is a romantic activity, and if he was allowed to bring his date to the Catholic school he would be promoting homosexuality, which is in contrast to the theology of the school. The school board supported the principal's decision on the grounds that they were upholding the theology of the Catholic faith. Mr. Hall in response successfully acquired a court injunction which forced the school to allow him to bring his boyfriend to the prom because it was his right to do so in the Charter. In the end Mr. Hall's rights were acknowledged and he was allowed to attend prom with his same-sex date. Although Marc Hall was able to ultimately attend his high school prom he would not have been permitted to do so if the DCSB had their way, and it is important to reiterate that he was only able to do so after successfully obtaining a court injunction that acknowledged his individual rights. As long as Roman Catholic schools attempt to deny LGBTQ students access to school events they will be continuing to not meet the unique needs of LGBTQ students, which will unsuccessfully foster a sense of belonging for all LGBTQ students.

Roman Catholic schools deny access to students' extracurricular activities.

Subsequent to discriminating against religious groups hopes of obtaining their own publicly funded faith-based education, and banning non-Roman Catholic students' access to enrolment and school events have emerged as a blockade that needs to be overcome, also previously banning extracurricular activities in their schools has arisen as another

barrier that the Roman Catholic school system has again implemented to ensure meeting the individual needs and creating a welcoming environment for their student population is absent. One example of an extracurricular activity that Roman Catholic schools have denied students access to is Gay-Straight-Alliances (GSAs). GSAs create safe spaces to meet the individual needs of LGBTQ students to express their own experiences, and raise awareness of homophobic bullying in the community.¹

Despite the positive benefits of GSAs, boards like the Halton Catholic District School Board (HCDSB) announced its plan to ban all GSAs in 2011 (Houston, 2011). According to the HCDSB the GSAs were banned because they are not within the teachings of the Catholic Church (Hammer, 2012). Alice LeMay, a board trustee argued these are “the rights of Catholic schools. We have denominational rights” (Houston, 2011, para. 22). The process of banning GSAs implicitly sends the message to LGBTQ students that Roman Catholic schools are not concerned with preventing or eradicating barriers against LGBTQ students. Furthermore, this action also subtly justifies to students that bullying students on the grounds of having an alternative sexual orientation is acceptable because the school does not value their identity. To gain an appreciation of the severity of the Roman Catholic schools action of banning GSAs, it is also important to highlight how homophobic bullying is presently an epidemic in Ontario.

The epidemic of homophobic bullying in Ontario. Taylor (2011) argues LGBTQ students experience more bullying than their heterosexual peers. For example, Taylor highlights LGBTQ students experience “Six times as much verbal harassment” (p. 283), and are “more likely to report being physically harassed at school [20.8% of LGBTQ

¹ See gsanetwork.org.

students in comparison to 7.9% non-LGBTQ students]” (p. 284). As a result of homophobic bullying, according to the Center for Addiction and Mental Health (2011), LGBTQ students are at high risk of dropping out of school, suffer from depression, and even attempt suicide. Furthermore, according to Taylor, “the failure of our school systems to provide a safe and respectful education for LGBTQ students is not only hurting LGBTQ students but undermining efforts to build school communities where other kinds of diversity are respected” (p. 307). As long as the Roman Catholic school system continues to ban GSAs, they will be yet again forming another impediment for their student population to face which will not fulfill individual needs or create a sense of belonging for all of their educational participants.

Bill 13 helps to foster inclusion but is unable to protect against formal curriculum. In 2012, *Bill 13: Accepting Schools Act* was passed to protect LGBTQ students from forms of homophobic bullying, which also inhibits Catholic school boards, such as the HCDSB, from banning GSAs in their school boards. Bill 13 mandates GSAs are allowed in all schools if requested by any student, placing students’ human rights and safety finally first (Kitchen & Bellini, 2012). Since Bill 13 does not prevent Catholics from having their own school system, and does not infringe on the Catholic school systems right to teach their views against homosexuality, their rights enshrined in the Charter are not infringed upon (Kitchen & Bellini, 2012). As mentioned, according to the OME’s (2009b) *Guidelines*, a component of inclusive education is students see themselves reflected in “their physical surroundings” (p. 4). To effectively provide inclusion for LGBTQ individuals, students must continue to be allowed to form GSAs to

ensure their identities are reflected in the “their physical surroundings” to foster inclusive learning environments for all.

As much as GSAs being legally permitted in Ontario schools is a great step forward, tensions against LGBTQ students remain as the Roman Catholic school systems right to teach their views against homosexuality is still protected by the Constitution. For example, according to *Homosexuality and the Catholic High*, “The evaluation of homosexual activity...as “morally wrong” or “sinful” must be made quite clear” (Ontario Catholic Family Life Educators Network, 2001, pp. 12-13). As long as the Roman Catholic school system continues to preach their views in favour of heterosexuality, LGBTQ students will possess an alternative sexual orientation will continue to not have their individual needs fulfilled or will ever be able to fully feel a sense of belonging in this school system.

Attempt to mandate non-Roman Catholic students to participate in Roman Catholic religious studies. In addition to discriminating against minority religious groups hopes of having their own publicly funded faith-based education, prohibiting non-Roman Catholic students’ access to enrolment, school events, and extracurricular activities are serious challenges, also attempting to force non-Roman Catholic students to participate in Roman Catholic Religious studies is evidence of another instance in which Roman Catholic school have failed to meet the individual needs or promote a sense of belonging for their non-Roman Catholic student population. This barrier is best understood through the legal case of *Erazo v. Dufferin-Peel Catholic District School Board* (2014). Even though as the reader will see in this case’s decision, Roman Catholic schools can no longer mandate non-Roman Catholic students participate in religious

events, this precedent again reveals tensions surrounding the policy of denominational schools.

Erazo v. Dufferin-Peel Catholic District School Board: The applicants' arguments. Erazo is a Brampton father who has been fighting the Dufferin-Peel Catholic District School Board to obtain a full exemption for his son Jonathan (a grade 10 student at Notre Dame Catholic Secondary School) from all religious programs in his school (Philips, 2014). According to Philips (2013), Erazo and his wife chose for both of their sons to attend Notre Dame because the school has received positive ratings on a school rating website and it is in close proximity to their home in Brampton. In October 2013 Erazo's lawyer—Nathaniel Erksine-Smith—argued under section 42 (13) of the Education Act (that pertain to religious programs and education) that his son Jonathan should be exempt from religious practices in his school (Philips, 2014). Erazo's lawyer maintained "the law clearly states parents can get a full exemption for their children from religious courses and programs" (2013, para. 6). Erazo himself maintained "I think the only thing they (the board) would understand is a court order" (Philips, 2013, para.5).

Erazo v. Dufferin-Peel Catholic District School Board: The decision. After a yearlong battle, Erazo's efforts succeeded. According to Philips (2014), "A three-member panel of the Ontario divisional court ruled Oliver Erazo's son Jonathan should not have to attend any religious liturgies or retreats at Notre Dame Catholic Secondary School in Brampton under provisions in the provincial Education Act (para. 2). This legal decision will immediately guarantee that Erazo's boys will no longer be forced to participate in Roman Catholic practices that are in contrast to their own faith in their school. As much

as this decision is important for Erazo's family, the long-term implications of this precedent speak greater volumes.

Erazo v. Dufferin-Peel Catholic District School Board: Implications. The frequently asked question in response to this legal decision is: if you do not want your sons to participate in religious practices that are contrary to your own faith, why send your sons to a Roman Catholic school? As previously mentioned in the applicant arguments, Erazo decided to send his sons to this particular educational facility because the school had received positive reviews on a school ranking website (consistent with Roman Catholics ability to foster excellence in education), and the school also happened to be in close proximity to his residence. According to Speirs (2013), Erazo stated “[The Roman Catholic School System] accepted that non-Catholics fund their schools, so they should be allowed to attend and not take the religion classes” (para. 17). Regardless of Erazo's reasons, as previously outlined in chapter 2, the fact that both his parents do in fact finance the Roman Catholic school system entitles them to send their boys to the school of their choice. A better question is: why should Erazo's son be forced to assimilate into Roman Catholic practices when his father is contributing to financing the Roman Catholic school system? This precedent shows that legally he does not have to. Furthermore, this legal decision also alludes to how this is not an isolated incident and furthermore how diluted the Roman Catholic system has already become, and with this decision how it will likely to continue to grow much more. According to Speirs (2014), Erazo stated “Even now, I have heard of students fighting to get the exemption to religious studies in my son's school. I can only imagine how many families had their rights denied and are having their rights denied” (para. 18). As increasing numbers of

non-Roman Catholics follow Erazo's lead and similarly acquire their own Roman Catholic religious exemptions, increasing pressures will beg the question is there even a need to publicly fund Roman Catholic schools at all? In the meantime if the Roman Catholic school system continues to attempt to mandate non-Roman Catholic students participate in their Roman Catholic religious practices, all diverse non-Roman Catholic religious groups—similar to Erazo's family—will not have their individual needs met or be provided with a sense of belonging in the Roman Catholic school system.

Roman Catholic schools legally violate educators' individual rights. After discriminating against non-Roman Catholic religious groups' hopes of obtaining their own publicly funded faith-based education, prohibiting non-Roman Catholic students' access to enrolment, school events, extracurricular activities, and attempting to mandate that non-Roman Catholic students participate in Roman Catholic religious programs are serious challenges, legally discriminating against educator's individual rights is additional evidence of a barrier in which Roman Catholic schools have closed their doors to the broader community to again fail foster a sense of belonging for non-Roman Catholic educators in their school system. Just as Roman Catholic schools can constitutionally discriminate against minority religious groups attempts at receiving their own publicly funded faith-based education, deny access to non-Catholic students' enrolment, school events, and extracurricular activities, denominational schools may also terminate educators for denominational cause, which is justified as ensuring only devout practicing Roman Catholics educators are involved in Roman Catholic schools from the broader community.

As previously highlighted in the first policy cycle, according to the Constitution Act section 93(1) mandates “Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union.” As a result of Roman Catholic schools denominational privileges, according to Pidocke, Magsino, and Manley-Casimir (1997) denominational schools have the right to “dismiss educators for denominational cause...[and also have] the right to establish separate schools included the right to maintain the denominational character of the school and therefore to impose rules requiring teachers to adhere to certain religious and moral standards” (p. 132) In other words, if teachers do not adhere to the religious and moral standards of Roman Catholic schools, the school reserves the right to dismiss an educator for denominational cause, which simultaneously closes the door to relationships with non-Roman Catholic educators from the broader community.

As discussed in chapter 2, although educators have rights protected in the Charter, their rights in the Charter cannot prejudicially affect Roman Catholic schools’ denominational rights safeguarded in the Constitution. As a result, Roman Catholic schools reserve the power to terminate a teacher’s employment for denominational cause. Consequentially, since Roman Catholic schools do not permit non-Roman Catholics the ability to teach under their roof, they will be unable to form close relationships with the broader community. Although these laws made sense almost a century and a half ago, in light of Ontario’s contemporary definition of diversity, they have increasingly grown problematic. According to Pidocke et al. (1997), “denominational cause produces special concerns. It arises when teachers at a denominational school act in ways that are

legal, according to the general society, but offend special tenets of the religious denomination for whose school the teachers are working” (pp. 191-192). Despite being legal, the particular case of *Porter and Podgorski v. The Essex Country Roman Catholic Separate School Board* (1979) illuminates the severity of denominational cause.

Porter and Podgorski v. Essex Country Roman Catholic Separate School Board. This case involves two Roman Catholic female teachers who held permanent contracts in a Roman Catholic school board. In this case the two teachers decided to marry each other. As a result of their union, the two teachers were both fired on November 12, 1974 for denominational cause. The final appeal of the teachers’ termination was ultimately dismissed because according to Pidocke et al. (1997) “provincial legislation would prejudicially affect the pre-confederation right to dismiss a teacher for a denominational cause” (p. 194). Pidocke et al. highlights that the denominational reasons were grounds to fire the two teachers in this case. This case sets a precedent that any teacher may be legally fired within Roman Catholic schools for having a sexual orientation that is in contrast to the theology of Roman Catholics but it does not stop there. The reality is Roman Catholic schools have the power to terminate educators for denominational cause for a plethora of reasons such as: marrying a divorced Methodist in a civil ceremony (*Caldwell et al. v. Stuart et al.*, 1985), or for converting to a different religion (*Stack v. St. John’s*, 1979) and as mentioned, for an educator having a sexual orientation that is in contrast with the theology of the school (*Essex Country Roman Catholic School Board v. Porter et al.*, 1979). As mentioned, as long as separate schools can justify that their religious and moral beliefs were threatened, as shown in Porter and Podgorski case, as Roman Catholic schools are free to and do in fact do close

their door to forming relationships with the broader community by terminating educators for denominational cause they will fail to promote a sense of belonging for non-Roman Catholic educators in their schools.

Limit non-Catholic educators' employment opportunities. As much as it is constitutionally discriminatory to fund one faith-based education and not others, denying students' access to enrolment, school events, extracurricular activities, and forcing non-Roman Catholic students to participate in Roman Catholic religious studies, legally discriminating against educator's individual rights, limiting employment opportunities for non-Roman Catholic educators is another barrier that again fails to foster a sense of belonging for the broader community in their school system. As previously introduced, according to the *Education Act* (2012) in terms of hiring practices section 1(3)(a) states "Nothing in this Regulation shall be interpreted in a way that interferes with or controls, (a) the denominational aspects of a Roman Catholic board." As a result, many Roman Catholic school boards in Ontario, such as the Brant Haldimand Norfolk Catholic District School Board (2013) mandates applicants submit a Pastoral Letter to gain employment, which is a statement from a Catholic priest that is evidence of an applicant's relationship with a Catholic Parish. If an educator is unable to retrieve a Pastoral Letter, simply because the applicant may not belong to this religious group, regardless of their teaching ability, Roman Catholic schools reserve the right to legally refused employment to these educators, which will effectively prevent Roman Catholic schools from involving the broader community in their school system. To further gain an appreciation of how many bridges the Roman Catholic school system may be burning with the broader community, and to also bring to light the severity of situation for unemployed non-Roman Catholic

teachers in Ontario, it is also important to get an accurate idea of exactly how many employment opportunities non-Roman Catholic teacher applicants are potentially being turned down from.

Educators potentially denied job opportunities. Within the public school boards, the OME's (2012a) *Education Facts* states there were 4,004 elementary and 909 secondary schools in Ontario during 2010-2011. Of these total schools, according to the OME, the Education Facts states the school boards in Ontario are: 31 English Public, 29 English Catholic, 4 French Public, and 8 French Catholic. Within these schools boards and schools, the OME (2012b) *Quick Facts* during the 2009-2010 school year shows there were approximately 82,560 full-time teachers and administrators working in public schools, and 39,243 full-time teachers and administrators in Roman Catholic school boards. Since 32% of the available education jobs in Ontario—fueled by the ironic acceptance of the previously discussed non-Roman Catholic students—belong to the Roman Catholic school boards, non-Catholic educators can be denied employment opportunities to potentially 32% of the total available teaching jobs in Ontario. To further highlight the inequality that the situation creates it is important to mention that nothing legally stops Roman Catholic teacher applicants from the broader community from gaining a teaching position in public school boards, which in contrast to non-Catholic teachers allows Roman Catholic educators access to 100% of the total job opportunities in both the Catholic and public schools boards in Ontario. It is clear that as long as Roman Catholic schools continue to limit non-Catholic educators' employment opportunities they will neither be identifying nor eliminating obstructive barriers or

promoting a welcoming environment for all educational participants from the broader community.

The integrity of the teaching profession threatened. Aside from hindering Roman Catholic schools from involving the broader community, an interesting implication that deserves attention is also how the integrity of the teaching profession is being threatened as a consequence of limiting the employment opportunities of non-Roman Catholic educators. Roman Catholic's denominational rights in tandem with the present limited job market that is available to all teachers in Ontario threatens the integrity of the teaching profession. According to the Ontario College of Teachers (OCT) the fourth ethical principle identified under the ethical standards of the teaching profession that all educators in Ontario are mandated to follow is integrity, which includes the following characteristics: "Honesty, reliability and moral action." Although all non-Catholic educators in Ontario are required to follow the ethical principal of integrity, Roman Catholics' denominational right to legally deny non-Catholic teachers access to teaching jobs, coupled with the present depressing at best job market that faces teachers places additional pressure on non-Catholic educators to violate OCT's principle of integrity.

As mentioned, Roman Catholic boards have the power to deny non-Catholic educators from 32% of the total amount of jobs, and according to Daubs (2010), "In 2009, 12,200 new teachers entered the job market. [But] there were only 5,000 positions" (para. 4). Despite not being a Roman Catholic, many non-Catholic teachers, especially those who are crippled with large amounts of newly acquired student debt, will attempt to earn a livelihood through surreptitiously joining the Roman Catholic faith to gain access to more employment opportunities that are available in the Roman Catholic school

boards. According to Daubs, “some non-religious types are even converting—all for a shot at a highly coveted teaching position” (para. 3). As shown, Roman Catholic schools subsequent to unsuccessfully forming relationships with the broader community, which fails to create a sense of belonging for non-Roman Catholic teachers, this existing educational arrangement is also effectively threatening the teaching profession.

Frames 2, 3, 4, and 5 Satisfied by the Roman Catholic School System: Catholic High School Creates Muslim Prayer Rooms

As much as the presently presented evidence has begun to cast a dark shadow over the Roman Catholic educational system, Roman Catholic secondary schools have shown positive efforts in attempting to create equitable and inclusive education for their stakeholders. Roman Catholic schools “meet individual needs and eliminate barriers to promote a sense of belonging for educational stakeholders” because they have created alternative religious prayer rooms for their religiously diverse student population. A positive example of a Roman Catholic schools meeting the religious needs of non-Catholic students and eliminates barriers to promote a sense of belonging for educational stakeholders is Mother Teresa Catholic secondary school in London, Ontario. This educational institution has decided to transform an old office into an Islamic prayer room to meet the religious needs of their Muslim student population (Carruthers, 2012). According to Carruthers (2012), a grade 12 student of the school Amir Farhi commented “‘We do have quite a bit of Muslims in this school who find it hard to practice their religion,’ he said. ‘Having this prayer room, it’s easy for them to do their Friday prayers’” (para. 8). If Roman Catholic schools each continue to make accommodations to meet the diverse needs of their student population all students will have a higher

likelihood of having their individual needs met. Unfortunately, this special instance of meeting individual needs and overcoming this barrier to create a sense of belonging for their non-Roman Catholic students stands out as a diamond in the rough within an inherently discriminatory school system.

Evaluation Frame 2, 3, 4, and 5: Meets individual needs and eliminates barriers to promote a sense of belonging for educational stakeholders. Although Mother Teresa Catholic secondary school is a positive example of a Roman Catholic school that is meeting the individual needs and eliminating barriers to promote a sense of belonging for all educational stakeholders of their particular student population, as mentioned this educational facility is the exception within the Roman Catholic school system, not the standard. The Mother Theresa initiative also reflects that Roman Catholic schools can make adjustments, but this still fails to address the larger issue of unfairness to religion. This special case is best seen as making an inequitable denominational school policy less unfair rather than fixing the larger problem. When the Roman Catholic school system is distilled to its foundation, the collective evidence that it is (a) discriminatory to fund one faith-based education and not others, (b) students have been and are denied access to enrolment, (c) school events, and (d) extracurricular activities, (e) mandates non-Roman Catholic students to participate in Roman Catholic religious studies, (f) legally discriminates against educators' fundamental freedoms (section 2 in the Charter), and (g) limit employment opportunities for non-Roman Catholic educators is too overwhelming. With the evidence being overpowering in favor of not meeting the individual needs and in fact the Roman Catholic school system has erecting barriers, which has failed to create a sense of belonging for educational stakeholders, it is

transparent that the Roman Catholic school system does not satisfy the guiding principles numbers 2 to 5 of the OME's (2009a) *Strategy*.

Frame 6: Builds on and Enhances Previous and Existing Initiatives

Similar to the previously analyzed and evaluated principles: “is a foundation in excellence” and “meets individual needs and eliminates barriers to promote a sense of belonging for educational stakeholders”, the sixth guiding principle that is used as a litmus test to foster equitable and inclusive schools is “builds on and enhances previous and existing initiatives” (OME, 2009a, p. 11). According to the OME's (2009b) *Guidelines*, the final criterion that will be used in this study is defined as: “Sound research and analysis of successful policies and practices form the basis for the development and sharing of resources” (p. 13). Therefore, in accordance with the sixth guiding principle—to be an equitable and inclusive school that merits receiving public monies—Roman Catholic schools must ensure that publicly funding a Roman Catholic school system in tandem with a public school system is cost-effective.

Roman Catholic Schools are not economically feasible. Having two publicly funded school systems in Ontario is too expensive. According to Philips (2012) the estimated total savings if Roman Catholic schools and Public schools in Ontario were to merge would be approximately between \$1.269 billion and \$1.594 billion! These projected total savings were established from hypothetically amalgamating the two systems and were specifically made possible through the: “elimination of school board and governance grants for discontinued Catholic school boards...French language education savings...by reducing under-utilization...savings in student transportation grants...savings in capital program costs ...[and] Economies of scale savings” (Phillips,

2012, p. 2). Philips argues if both boards were merged 29 identified boards can be easily discontinued, and the grants that would have otherwise funded these boards would result in approximately \$164 million in saving from school board governance and administration.

Philips (2012) also maintains that public and Catholic French language schools overlap, and to guarantee satisfactory representation in French Language schools these two systems should merge. Philips compares the average utilization of school facilities in each board and determines that since there is sufficient surplus capacity in the French Language school boards he argues it is likely that the average per-pupil cost in French language school is one-third higher than English language schools. Philips then suggests that if four schools boards, which have the most excess capacity, are eliminated the combined School Operations Allocations and Government Grants could save roughly \$38 million. Furthermore, Philips also argues student transportation costs can also be reduced by eliminating many unnecessary redundancies. If in the event the two school systems are amalgamated distances traveled by students will lessen, which he estimates would save approximately 20% of the costs of the Transportation Grant, resulting in total savings of just about \$169 million (Philips, 2012). Philips moreover maintains once both school systems are combined, excess facilities can be sold for a profit, and annually capital costs will be decreased by approximately 20 %, which would save approximately \$239 million. Finally Philips argues if the Public and Roman Catholic boards were amalgamated, conservatively 3% to 5% of reduction of costs can be expected for total grant funding, which would result in immense savings of \$488 million to \$813 million.

Frame 6 evaluation: Builds on and enhances previous and existing initiatives.

Since Roman Catholic schools are unnecessarily costing our current public system approximately \$1.269 billion to \$1.594 billion tax dollars annually, they are clearly not utilizing resources effectively and ergo are not only economically feasible or should continue to be publicly funded. According to Yakabuski (2014), continuing to publicly fund the Roman Catholic school system “seems like a costly indulgence for a province staring at a \$12.5-billion deficit and almost \$300-billion in debt” (para. 3). Taking into consideration how much money Ontario could potentially save, and also in light of the provinces already existing outstanding financial responsibilities, financing two school systems in Ontario is clearly too expensive. As long the Roman Catholic school system continues to be an extra financial burden to the Ontario tax payers, this criterion to safeguard equitable and inclusive education will not be satisfied by the Roman Catholic school system.

As much as this is an immense and unnecessary financial cost to the public, the true cost to Ontarians is Roman Catholic schools are no longer serving the diversity needs of Ontario. Even though Roman Catholic schools may be fostering “a foundation in excellence” at the same standard as the public school system, their overwhelming inability to address equity issues resulted in their inability to meet the remaining guiding principles of the OME’s (2009a) *Strategy*, which is necessary to foster equitable and inclusive education for their educational stakeholders.

Section 4 Evaluation: Should Roman Catholic Schools in Ontario Continue to Be Publicly Funded Today?

As revealed in the second policy cycle, Roman Catholic schools are overall incongruent with the vision as reflected in the guiding principles of the OME's (2009b) *Guidelines*. Even though Roman Catholic schools do satisfy the first principle of equitable and inclusive education by fostering "a foundation in excellence" for their students, they have failed to meet all of the other remaining guiding principles of the *Guidelines*. As discussed, even though Mother Teresa Catholic secondary school is a positive example of a Roman Catholic school that is in some capacity making efforts to meet the individual needs and eliminating barriers to promote a sense of belonging for all their educational stakeholders of their student population, this educational facility is the exception within the Roman Catholic school system, not the standard. Additionally, although the Roman Catholic school system has also been compliant with Hall and establishing GSA's, there still remains a deeper problem/ contradiction with core principles today.

When the Roman Catholic school system's performance in fostering equitable and inclusive education is carefully examined, Roman Catholic schools did not satisfy the "meets individual needs and eliminates barriers to promote a sense of belonging for educational stakeholders" guiding principles because the collective evidence indicates (a) it is constitutionally discriminatory to fund one faith-based education and not others, (b) they deny students' access to enrolment, (c) school events, and (d) extracurricular activities, (e) mandate non-Roman Catholic students participate in Roman Catholic religious studies, (f) legally discriminate against educators' individual rights, and (g) limit employment opportunities for non-Roman Catholic educators is simply too overwhelming to ignore. Additionally, Roman Catholic schools have also failed to "build

on and enhances previous and existing initiatives” because as shown in the former chapter, Roman Catholic schools have also become an extra financial burden to the Ontario tax payers, and are today no longer economically feasible. In sum, since denominational schools are able to only satisfy one of the above six guiding principles of Ontario’s equitable and inclusive education strategy, they cannot with good conscious be considered educational institutions that effectively foster equitable and inclusive education for all their stakeholders. See Figure 8.

Ontario's Educational Institutions Equitable and Inclusiveness Checklist	
Name: Roman Catholic Schools	
Policy Cycle 2 Diversity: Contemporary Diversity in Ontario	
Criterion	Checklist
is a foundation in excellence	✓
meets individual needs	✗
identifies and eliminates barriers	✗
promotes a sense of belonging	✗
involves the broad community	✗
builds on and enhances previous and existing initiatives	✗

Figure 8. Completed evaluation section: Conceptual framework in policy cycle 2.

CHAPTER FIVE: CONCLUSIONS, IMPLICATIONS, AND FUTURE DIRECTIONS

This final chapter begins with conclusions drawn from both policy cycles. This chapter then explores Ontario's anticipated demographics and potential problematic implications the Roman Catholic system educational stakeholders will imminently face if Ontario's current educational arrangement remains unaltered in the coming years. Finally, in an effort to improve equitable and inclusive education for all Ontarians in the future, this chapter provides two alternative proposed solutions that Ontario may consider transitioning toward in the near future—publicly funding all faith-based schools or publicly funding none.

Conclusions of Policy Cycles

This study showcased that although the Roman Catholic system fostered equitable and inclusive education for its educational stakeholders at the time of Confederation (policy cycle 1), it revealed in light of Ontario's evolved diversity today that Roman Catholic schools are transparently not fostering equitable and inclusive education today (policy cycle 2). Although Roman Catholic schools may be fostering “a foundation in excellence” at debatably the same standard as the public school system, their overwhelming inability to meet the remaining five guiding principles of equitable and inclusive education is too much to ignore. As a result of these findings, Roman Catholic schools today are not fostering equitable and inclusive educational environments, and as a result should not continue be funded with public dollars. According to the OME's (2009b) *Guidelines*, “We must also address the needs of a rapidly changing and increasingly complex society by ensuring that our policies evolve with changing societal

needs” (p. 9). Not only should the Roman Catholic school system eventually not continue to be publicly funded, they should not continue to receive funds sooner than later. To bring to light the urgency in swiftly ending funding to Roman Catholic schools, it is also pertinent to provide the reader with a glimpse of Ontario’s future anticipated demographics.

Future Anticipated Trends in Ontario’s Contemporary Religious Diversity

As much as Ontario’s current diversity has immensely changed since Confederation, it continues to show no signs of reverting to its previous demographics in the foreseeable future. Current statistical trends indicate in the near future Ontarians are anticipated to continue to become more secular, claim no religion, and overall religious diversity is expected to increase.

Ontarians who identify as religious today are becoming more secular. As highlighted in chapters 2 and 4, even though many Ontarians today still identify as Roman Catholic, the true lessening support of Catholicism is best articulated by showcasing how an increased amount of Ontarians who once identified as religious are now becoming secular. Clark and Schellenburg (2008) support this notion showcasing Canadians over the age of 15 who claim a religious affiliation, but who have not attended any religious services has increased from 19% in 1985 to 25% in 2004. If Ontarians who have a religious faith are not interested in voluntarily practicing their faith through their own religious services, it does not make sense to continue to publically fund a Roman Catholic education.

More Ontarians are claiming no religion. In addition to more individuals becoming secular, support of Catholicism is also lowering because more Ontarians are

also now claiming no religious affiliation. For example, Ontarians who claimed no religious affiliation between 1991 and 2001 grew by 48% (Clark & Schellenburg, 2008). It is also important to mention that respondents of the 2001 census who indicated no religion had a median age of 31 compared to the overall median age of 37 (Statistics Canada, 2003). Since younger respondents identify as having no religion, one can also expect future increased patterns of individuals who claim no religion will continue. Roman Catholic schools should not continue to receive public funding because the support of Catholicism is decreasing as Ontarians continue to claim no religious affiliation and will likely continue to lessen since the median age of this group is younger than the overall population.

Increased religious diversity in Ontario. As much as more Ontarians are becoming secular and are identifying as having no religion, contemporary statistics also indicate diversity in Ontario is continuing to increase. Overall, Ontario's demographics have recently been growing immensely more diverse. For instance, according to the OME's (2009b) *Guidelines*, it is estimated that by 2017 one in every five of Ontarians will be a member of a diverse faith. Furthermore, according to Statistics Canada (2003) from 1991 to 2001 in Ontario all of the following religions increased: Muslim 142%, Buddhists 96%, Hindus 104%, and Sikhs by 109%. As these growing patterns of pluralism persist in the communities that Roman Catholic schools are situated in, each year that passes by makes the notion of publicly funding Roman Catholic schools more and more irrelevant. The question now becomes not is it necessary to end public funding to Roman Catholic schools but is a whole-school-system reform in Ontario even feasible?

Quebec's Experience Amending Denominational Rights

In April of 1997, Quebec dissolved all denominational rights in regards to education and replaced denominational school boards with French-language and English-language school boards (Young & Bezeau, 2003). According to Young and Bezeau (2003), denominational rights were eliminated because the protection of linguistic rights in Quebec was perceived to be vastly more important than the province's religious rights. Quebec's experience amending denominational rights show Ontario two things. First, denominational rights can be amended, and second they are not that difficult to amend. Young and Bezeau showcase how Quebec eradicated denominational rights by amending the Constitution Act "by inserting the following after section 93. ... Paragraphs (1) to (4) of section 93 do not apply to Quebec" and as simple as that, denominational rights in Quebec evaporated (para. 8).

Despite the size of the reform, and also the very strict deadlines that were imposed by the government, Young and Bezeau (2003) show "overall, those interviewed indicated that the transition went remarkably smoothly" (para. 55). In fact this massive reform was successfully completed within only a year (Young & Bezeau, 2003). According to Young and Bezeau this massive reform began on April 15, 1997 and was successfully completed in July 1998. Similar to Quebec, according to Philips (2012), to amend denominational rights in Ontario "the following resolution would have to be passed by the Ontario Legislature and then forwarded to the Government of Canada: The Constitution Act of 1867 is amended by adding, immediately after section 93 the following: "Paragraphs (1) to (4) of section 93 do not apply to Ontario" (p. 9). This paper does not suggest that Ontario should amend denominational rights for the same reasons that Quebec did, but this

demonstrates that Ontario, similar to Quebec, has the power to amend denominational rights, and it is also not that difficult to successfully complete a reform of that magnitude.

The Future Educational System of Ontario

Now that it is further clear that it is in fact possible to amend denominational rights in Ontario and also that it is not that difficult to restructure, if Ontarians vote to follow Quebec's lead and accept that Roman Catholic schools should no longer be publicly funded by deciding to amend section 93 of the Constitution Act, what direction should Ontario's educational system plan to transition into? In addition to the UN declaring that denominational rights are discriminatory, according to Bayefsky (1999), the United Nations also offered two alternative solutions to effectively address the concerns of the present system: fund all religious schools or fund none. Let us briefly examine the two directions Ontario's educational system could consider moving toward.

Option 1: Fund All Religious Schools

The first option to fund all faith-based schools has already been proposed in Ontario. See Figure 9. Perrella, Brown, Kay, and Docherty (2008) maintain John Tory the leader of the Progressive Conservative (PC) party, during the pre-campaign period in 2007 made the "announcement in June of his support for public funding of faith-based schools" (p. 79). Zinga (2008) synthesizes the ideas of Alphonso and Bonoguoire (2007), Benzie (2007), Brown (2007), Murray and Stunt (2007), and Wilson (2007) to conclude that the arguments for and against funding all faith based schools centered around the following issues: "divisiveness or creating further divides both in education and society; spreading scarce resources too thin; undermining the public education system; living up to our multicultural society; improving the public system" (para. 34).

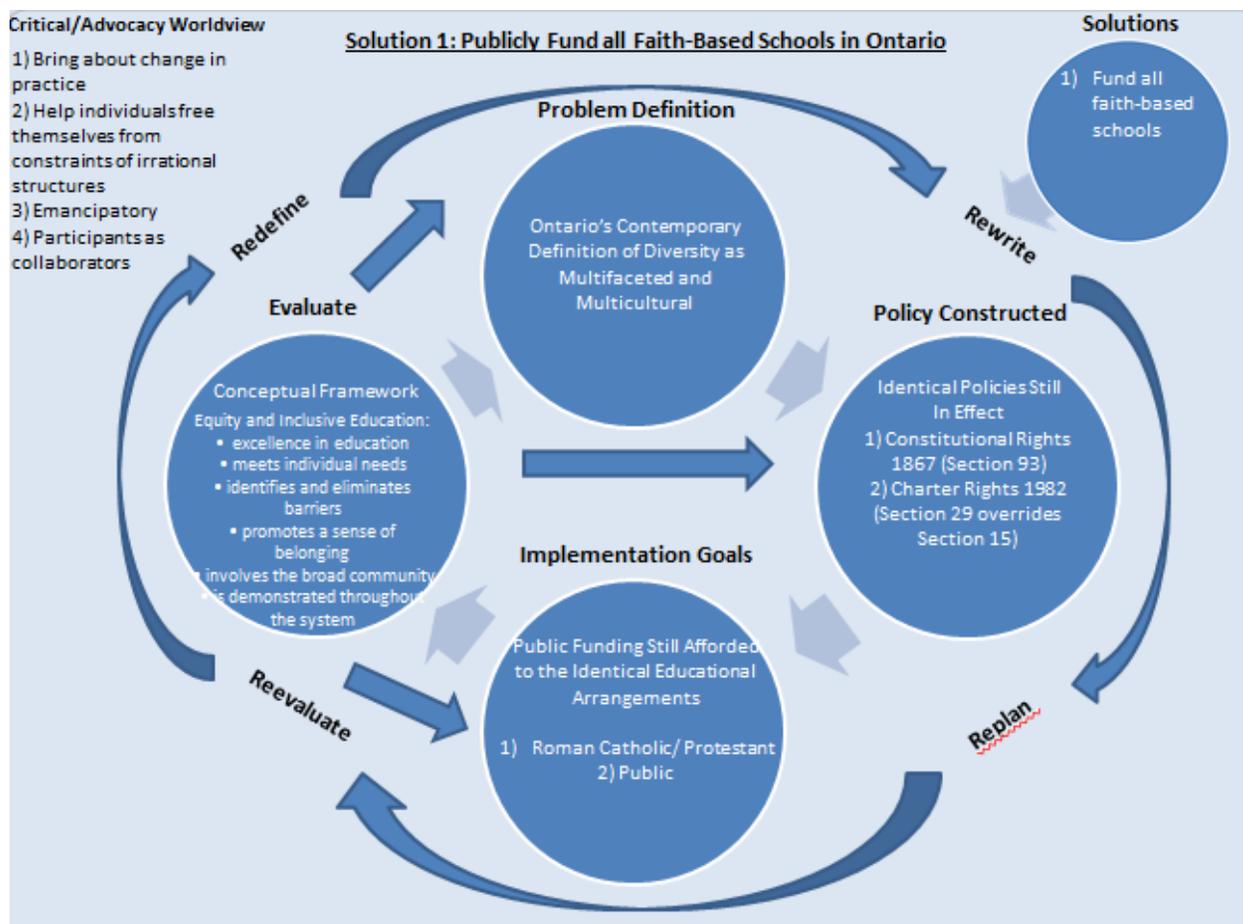


Figure 9. Solution 1: Fund all faiths.

Polls highlighting Ontarians' opinion that surfaced around the time of the election produced mixed results. According to Wilson (2007) polls directed by Ipsos Reid supported by the CanWest News Service showed Ontario's opinion on what schools should receive public funding during the election was: 35% in favour of funding all faith-based schools, 62% opposed, and 53% wanted the Catholic and public systems to merge into a single system. In contrast, the Environics poll found different results suggesting: 48% were in favour of funding all faith-based schools, 44% were opposed, and 47% of Ontarians were in favour of amalgamating the catholic and public boards to create a single merged system (Wilson 2007). In the end Canadian voters have the final say. Instead of John Tory's announcement prompting celebrations across the province, according to Perrella et al. (2008) "this controversial announcement left the PC party in such a weakened state that it spent much of the rest of the campaign trying to recover losses" (p. 79). Ultimately, John Tory's proposal to fund all faith-based schools in 2007 was unsuccessful when the PC party was defeated 27 seats to the Liberals 71 seats (Perrella et al., 2008). Unless Ontarian support for John Tory's proposal has gained momentum since 2007, extending public funding to all faith based schools is not a good direction for Ontario's future educational system to steer toward.

Publicly funding all faith-based schools today. Recent support for publicly funding all faith based schools today has slowed down to a rolling halt. According to Hart (2012) a study conducted by OISE in 2012 shows only 6% of Ontarians are today in favour of extending public funding to public, Catholic and all faith based schools, which is even less than when it was initially proposed by John Tory in 2007. Of this total 6% the following percentages from each religious group were supporters: 5% Catholics, 7%

other religions, and 3% who had no religion (Hart, 2012). Despite Ontario's increase in diversity, it is transparent that Ontarians support for extending public funding to all faith based schools has lost any momentum it once had. In addition to loss of support for publicly funding all faith-based schools in the polls, this alternative educational arrangement also has a weaker philosophical argument. If schools in Ontario are meant to be a reflection of Ontario's accepting multiculturalism, then it does not make sense to segregate schools along religious lines for this would not be an accurate reflection of Ontarians envisioned accepting society. Instead, this educational arrangement would effectively compartmentalize Ontarians into religious groups through its school system, which would imminently fail to resemble anything close to an envisioned embraced cultural mosaic. Since philosophically Ontario does not want to segregate students along religious lines coupled with Ontarians lessening support for this arrangement, this alternative educational arrangement does not appear to be the direction Ontario should consider moving toward in the near future.

Option 2: Fund No Faith Based Schools (One-School-System)

Unlike John Tory's proposal, Ontario has never seriously politically explored Ontario's second suggestion by the UN, which is to fund no faith-based schools and to instead create a one-school-system. See Figure 10. According to the One School System Network (2013a), the one-school-system is the potential "amalgamation of Ontario, Canada's public and Catholic school systems into a single, secular school system for each official language" (para. 1). As highlighted in chapter 2, according to Hart (2012) a recent public survey indicates that less Ontarians today are in favour of providing funding to Roman Catholic schools, and are more inclined to fund only public schools.

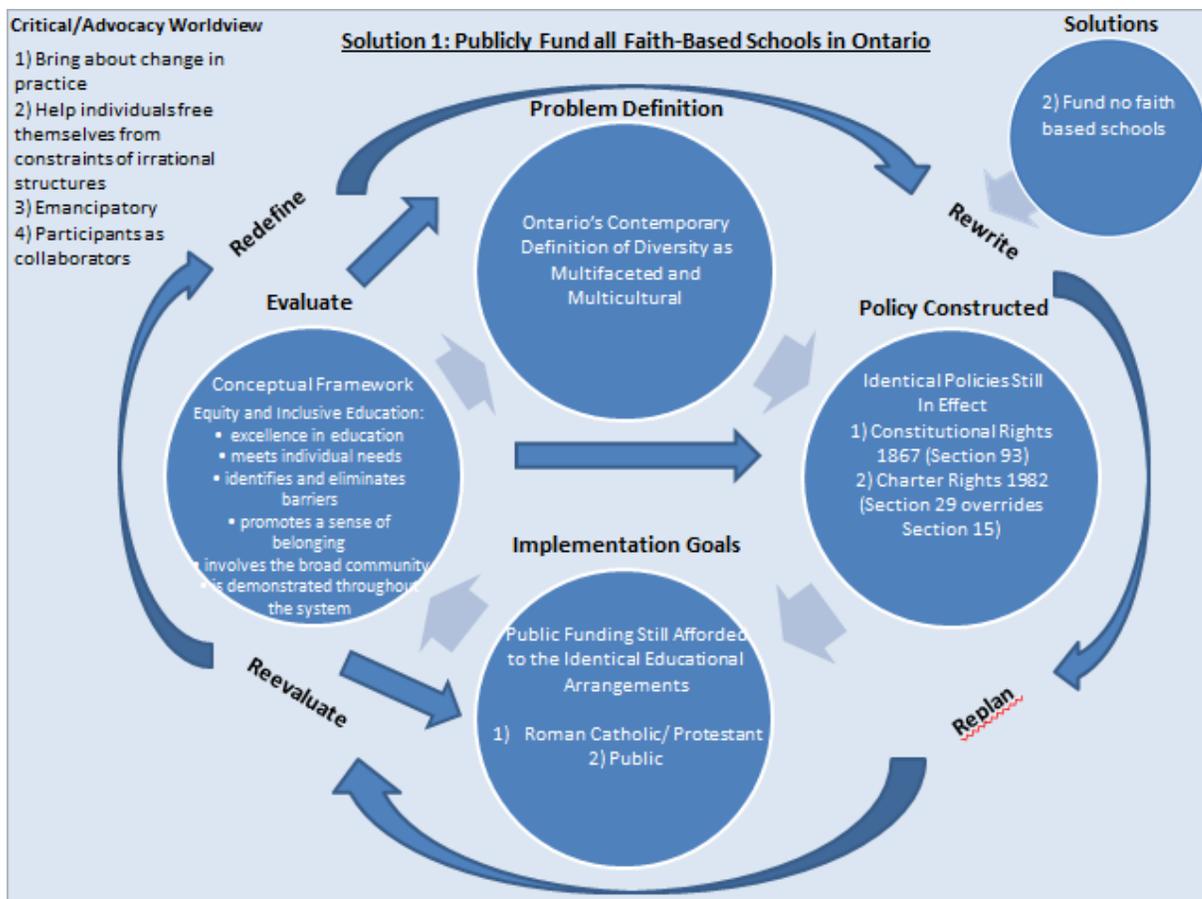


Figure 10. Solution 2: Fund no faiths.

Only 37% of Ontarians are in favour of a Public only School system; the following percentages from each religious group were supporters: 15% Catholic, 39% other religions, 59% no religion, 30% not stated (Hart, 2012). Taking into consideration the changing demographics in Ontario, namely: increasing religious diversity (from 1991 to 2001: Muslim 142%, Buddhists 96%, Hindus 104%, and Sikhs 109% (Statistics Canada, (2003)), more Ontarians are claiming no religious affiliation (between 1991 and 2001 grew by 48% (Clark & Schellenburg, 2008)), and more Catholics are becoming secular (those who claimed a religious affiliation, but have not attended any religious services, has increased from 19% in 1985 to 25% in 2004 (Clark & Schellenburg, 2008)), if these patterns persist more support for the one-school-system will come from other religions and those who identify as having no religion.

Additionally, as more Catholics are becoming secular it is also likely that more Catholics will change their opinion to become in support of the one-school-system. In addition to Ontarians increased support for this educational arrangement unlike the first option—publicly funding all faith-based schools—publicly funding only a one public school system has a strong philosophical footing. Unlike the first proposed solution, this alternative educational arrangement has the potential to foster an accepting and inclusive learning environment where all diverse religions and cultures can be understood and respected under one roof—consistent with Ontario’s envisioned respectful multicultural society. Due to Ontarians increased support in favour of publicly funding a one public school system, in tandem with a strong philosophical argument targeted on enhancing inclusion and acceptance of diversity, moving toward a one-school-system seems to be the best viable direction for Ontario. Why then do we not have a one-school-system

already today?

Obstacles impeding the One-School-System. Despite the transparent public support for only funding public schools, it is difficult to understand why the one-school-system is not already in place in Ontario. Although moving toward a one-school-system is Ontario's most viable option to overcome all of the problematic issues that are a product of our current educational arrangement, truthfully successfully moving Ontario's educational system to become a one-school-system is easier said than done. The successful transition into the one-school-system is impeded by the following obstacles: Liberal and Conservative ideologies are inconsistent with reform, the public's opinion is ahead of provincial parties' political agenda, and Roman Catholics are apprehensive to give up their privileges.

Ontario's leading political parties' ideologies impact on educational reform. The one-school-system is not in place today because the dominant political ideologies in Ontario are in opposition to educational reform. According to Cibulka (1999) an ideology of a political party will impact the political party's perception of change. This formed perception of change thus impacts the likelihood of change occurring in educational contexts. According to Lupton (2011) in 2011 the Ontario election results were: "Liberals had captured 37.6 per cent of the popular vote, with the Progressive Conservatives close behind at 35.4 per cent. NDP support was at 22.7 per cent, with the Greens at 2.9 per cent" (para. 3). It is thus now pertinent to take into consideration the dominant political parties' ideologies in Ontario to identify their perceptions of change to assess the likelihood of Ontario's educational arrangement becoming a one-school-system. Since the Liberals and the Conservatives at the present time in Ontario are the front running

political parties, their political ideologies will both be examined to further shed light on the likelihood of Ontario moving toward a one-school-system.

Liberals' ideological impact on the likelihood of a One-School-System. The Liberal ideology has a reactive attitude toward educational issues (Cibulka, 1999). While the liberal ideology favours changes to improve public schools,—they are only in favour of minimal changes or incremental strategies. According to Cibulka “Incremental strategies are those that emphasize *reform* of existing structures and power relationships rather than *radical surgery*” (p. 175). Even though the liberal ideology is reactively in favour of change, it is unlikely that they would be in favour of the one-school-system because a reform of that magnitude may be viewed by them as too radical a surgery. Moreover, as a substantial portion of Ontarians, 37.6% supports the Liberal party’s ideology, which views the one-school-system as radical surgery, it is fair to say that it is unlikely that the one-school-system will come to fruition in the near future.

Conservatives' ideological impact on the likelihood of a One-School-System. In addition to the Liberal ideology, the Conservative ideology also has had a strong impact on educational policy since the 1970s (Cibulka, 1999). Many conservative analyses advocate restoring the need of traditional values; furthermore, according to Cibulka traditionalist conservative ideology focuses on restoring religious and cultural values. Taking into consideration that the Conservative party’s ideology advocates for perpetuating tradition, it is likely that they would view the notion of moving toward a one-school-system, which would shatter nearly a century and a half of tradition, as an unfeasible proposal that should not be given attention. As a result, it is very unlikely that the Conservative party will be in favour of a one-school-system in the near future, if ever

at all. Furthermore, as a large number of Ontarians, 35.4% support the Conservatives' ideology, which clings to traditional religious and cultural values; it is fair to say that it would be surprising if a movement toward the one-school-system similar to the Liberals also will happen in the near future.

Public opinion ahead of Ontario's political parties. As much as the Liberal and Conservative ideologies do not paint a positive future for the one-school-system another reasons why the one-school-system is not in place today is the public's opinion is ahead of Ontario's provincial political parties. Dr. Lorne Bozinoff, the president of Forum Research Inc., states "We have an area where public policy is out of step with public opinion" (as cited in Artuso, 2012, para. 2). As it stands now only the Green Party of Canada has proposed a single school system that is publicly funded (Artuso, 2012). According to Artuso, although Conservative and Liberal supporters were advocates for the existing separate school systems, hope for a future one-school-system may be found with the NDP party. Despite the fact that the NDP officially supports funding both the Catholic and the public systems, roughly two-thirds of NDP supporters are against continuing to fund Roman Catholic schools (Artuso, 2012). When the NDP party catches up to the pace set by its supporters the idea of a one-school-system has a higher chance of becoming a reality.

Roman Catholics are apprehensive to give up their privileges. Finally, in addition to the Liberal and Conservative ideologies hindering the fruition of the one-school-system, and political parties are out of touch with public opinion, the one-school-system is also not in place today because Roman Catholics are reluctant to give up privileges that they have enjoyed for close to a century and a half. A barrier to the

implementation of the one-school-system that cannot be ignored is a large portion of Catholics in Ontario are not surprisingly in favour of Ontario's existing educational arrangement. In order for the dream of the one-school system to become a reality, Catholics that are the highest supporters of the existing school system (56% of the total 36 percentage in favour of funding Public and Catholic schools (Hart, 2012)) must be convinced to give up the Constitutional inheritance, which is easier said than done. According to Kuehn (1992), Canadian provinces jealously guard their particular traditions of education engrained in their Constitution. When Roman Catholics place the needs of Ontario's increasingly growing diversity ahead of their own Ontario's goals of multiculturalism will be closer in reach.

Overall, Ontario's viable option to move toward funding only a one public school system can become successfully implemented when Roman Catholics give up their Constitutional inheritance, political parties catch up to the opinions of the Ontario public, and Ontario's leading political ideologies become more accepting of educational reform.

Conclusion

In conclusion, while the history of funding Roman Catholic schools is considered to be a good compromise at Confederation—in light of Ontario's evolved contemporary definition of diversity—it is no longer appropriate to fund Roman Catholic schools today. In fact if Ontarians were hypothetically constructing their educational system from scratch now, without their present Constitutional backing, the notion of publicly funding Roman Catholic schools would be erroneous. As demonstrated, Roman Catholic schools in Ontario should not continue to be publicly funded because they are overwhelmingly incongruent with the guiding principles of the OME's (2009a) *Strategy*. As Ontarians sit

idly by and continue to publicly fund Roman Catholic schools in Ontario, the public will be knowingly financing a system that is responsible for not providing equitable and inclusive education to all students, and in many cases are actually paying to disadvantage themselves. Despite the dark atmosphere that the current educational arrangement has casted, a ray of light still shines through these gloomy clouds in Ontario. Ontarians are not helpless since they have the power to end public funding to Roman Catholic schools!

After examining Ontario's two proposed options offered from the United Nations, it is clear that the best viable solution for Ontario to overcome the many existing problems that the current system perpetuates today is to move in the direction of the one-school-system. Although the Ontario public is in favour of this proposed pathway, successfully making this transition is easier said than done. As mentioned, due to Roman Catholics being reluctant to give up their privileges and Ontario's political party's ideologies are inconsistent with educational reforms, it is transparent that the journey to transition to the one-school-system has many speed bumps ahead. However, simply because a journey may appear difficult does not mean the transition is not worth fighting through since benefits that lay ahead when funding to Roman Catholic schools in Ontario is ended are invaluable. Only when Ontarians decide to remove funding to Roman Catholic schools can they rest assured that they will be funding a system that will provide inclusive and equitable education to all of Ontario's educational stakeholders. If Ontarians decide not to follow Quebec's example to end public funding now, how many more educational stakeholders will have to become casualties of this out dated system before Ontarians finally become galvanized to say this historical baggage needs to be left behind?

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