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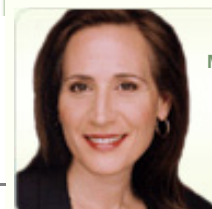
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 PREMIER
DALTON MCGUINTY

Policy/Program Memorandum No. 112
Issued under the authority of the Deputy Minister of Education
Date of Issue: December 6, 1990

Effective: January 1, 1991

Subject: EDUCATION ABOUT RELIGION IN THE PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

Application: Chairpersons of Boards of Education
Directors of Education of Boards of Education
Principals of Public Elementary and Secondary Schools

 MINISTER OF
EDUCATION
**Sandra
Pupatello**
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I. Background

On January 30, 1990, the Ontario Court of Appeal unanimously struck down subsection 28(4) of Regulation 262 concerning religious education in the public elementary schools. The court ruled that the subsection infringed on the freedom of conscience and religion guaranteed by section 2(a) of the Canadian Charter of Rights and Freedoms. Neither the subsection nor the court decision applied to schools operated by the Roman Catholic separate school boards.

Section 29 of Regulation 262, regarding provision of religious instruction by clergy or designates in the public secondary schools, was not before the court, and the court's ruling did not apply expressly to that section. However, subsequent advice by legal counsel indicates that the principles outlined in the decision make section 29 equally untenable.

In its decision, the court made it very clear that subsection 28(4) of the regulation was invalid because it permitted the teaching of a single religious tradition as if it were the exclusive means through which to develop moral thinking and behaviour. The court also ruled that education



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designed to teach about religion and to foster moral values without indoctrination in a particular religious faith would not contravene the charter.

In distinguishing between religious indoctrination and education about religion, the court made the following statement:

While this is an easy test to state, the line between indoctrination and education, in some instances, can be difficult to draw. With this in mind, it may be of assistance to refer to the following more detailed statement of the distinction:

- The school may sponsor the *study* of religion, but may not sponsor the *practice* of religion.
- The school may *expose* students to all religious views, but may not *impose* any particular view.
- The school's approach to religion is one of *instruction*, not one of *indoctrination*.
- The function of the school is to *educate* about all religions, not to *convert* to any one religion.
- The school's approach is *academic*, not *devotional*.
- The school should *study* what all people believe, but should not *teach* a student what to believe.
- The school should strive for

student *awareness* of all religions, but should not press for student *acceptance* of any one religion.

- The school should seek to *inform* the student about various beliefs, but should not seek to *conform* him or her to any one belief.

Subsequent to the court's ruling, an interim policy for public elementary schools, dated February 28, 1990, was established, whereby boards were permitted to provide programs in education about religion in the time previously used during the school day, as long as these programs were in accordance with the court's ruling. Boards of education were also advised that they could continue to provide space outside the school day, as they do for various community-related activities, if parents requested that their children be taught religion by clergy or designates. This interim policy for elementary schools was intended to remain in effect only until policy considerations related to the public elementary and secondary schools were finalized.

II. Permanent Policy

The Ministry of Education will amend sections 28 and 29 of Regulation 262 to reflect the following permanent

policy, which will apply to public elementary and secondary schools:

1. Boards of education may provide programs in education about religion in Grades 1 to 8 during the school day for up to 60 minutes per week.
2. Boards of education may continue to provide optional credit courses in World Religions in secondary schools, as specified in the curriculum guideline entitled *History and Contemporary Studies, Part C: Senior Division, Grades 11 and 12, 1987*. The program described in the guideline meets the court's definition of permissible education about religion.
3. Schools and programs, including programs in education about religion, under the jurisdiction of boards of education must meet both of the following conditions:
 - a) They must not be indoctrinational.
 - b) They must not give primacy to any particular religious faith.
4. Boards of education may continue to provide space before the beginning or after the close of the instructional program of the school day for indoctrinational religious education. Given the provisions for equality of treatment in the

Canadian Charter of Rights and Freedoms, boards choosing this option must make space available on an equitable basis to all religious groups.

This policy will come into effect on January 1, 1991.

III. Purpose

The purpose of programs in education about religion is to enable students to acquire knowledge and awareness of a variety of the religious traditions that have shaped and continue to shape our world. The programs enable individuals to understand, appreciate, and respect various types of religious beliefs, attitudes, and behaviour.

The purpose of these programs is *not* to instil the beliefs of any particular religion. It is the prerogative of individual pupils and their families to decide which religious beliefs they should hold. Indoctrinational religious education has no place in the curriculum or programs of public elementary and secondary schools of the province.

IV. Content

Since the world's religions are many and varied, a particular program in education about religion cannot be expected to include every one of

them. As a minimum, programs in any grade should include a balanced consideration of world religions that have continuing significance for the world's people.

Both content and method should be appropriate to the ages and levels of maturity of the pupils. In developing programs of education about religion, consideration may be given to various organizational frameworks.

V. Resources

The Ministry of Education will develop a resource document to assist boards of education in developing programs in education about religion for elementary schools.

Programs for the secondary schools will continue to be developed in accordance with *History and Contemporary Studies, Part C: Senior Division, Grades 11 and 12, 1987*.

VI. Context

This permanent policy and the forthcoming amendments to Regulation 262 are to be understood within the context of the long-established vision of the public elementary and secondary schools as places where people of diverse backgrounds can learn and grow together. The public schools are open and accessible to all on an equal basis

and founded upon the positive societal values which, in general, Canadians hold and regard as essential to the well-being of our society. These values transcend cultures and faiths, reinforce democratic rights and responsibilities, and are founded on a fundamental belief in the worth of all persons.

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