

JERUSALEM LETTER

JERUSALEM CENTER FOR PUBLIC AFFAIRS
REGISTERED AMUTA



המרכז הירושלמי לענייני ציבור ומדינה
עמותת רשומה

No. 396 26 Kislev 5759 / 15 December 1998

PUBLIC FUNDING FOR RELIGIOUS EDUCATION IN ONTARIO: A DILEMMA FOR CANADIAN JEWS?

Stuart Schoenfeld

The Search for Public Funding / Religion, the Structure of Education, and Education Policy / Minority Religions Seek School Funding / Educational Reform in Ontario / Implications for Private Schools / Multicultural Education as a Model for Religious Education / Two Briefs on Religion and Education Policy / Globalization, Transnational Religion, and a Dilemma for Ontario's Jews

The Search for Public Funding

The province of Ontario is home to almost half of Canada's Jews. It is also the only province which has Jewish day schools but does not provide any form of public financial support to them. In the cities of Toronto, Ottawa, Hamilton, and London, approximately 10,000 students are enrolled in Jewish day schools. For over three decades groups in the Jewish community have been working to secure some form of public financial assistance. Negotiations and lobbying have so far been unsuccessful. So, too, has an appeal to the courts, which extended all the way to the Supreme Court of Canada, been unsuccessful.

Over the same three-decade period, enrollment patterns in Ontario schools have changed. Historically, Ontario has had constitutional obligations to support a Catholic school system parallel to the public school system. In 1980, about 24 percent of students were enrolled in

Catholic schools; by 1997, that figure had changed to about 32 percent. At the same time, enrollment in private alternatives to public education has also increased, particularly in schools under religious sponsorship. Christian schools—which are by far the most numerous, accounting for about two-thirds of Ontario's six hundred private schools—Islamic schools, and Jewish schools have all been founded; established ones have expanded. In contrast to the direct public support for Catholic schools, the only public financial support for private schools takes the form of reductions in federal income tax. The portion of tuition used for religious education may be considered a charitable donation, which has some effect on taxable income.

The increasing sponsorship of alternatives to public education on the part of religious groups is one aspect of the process of globalization. Various scholars argue that while

DANIEL J. ELAZAR, EDITOR AND PUBLISHER; ZVI R. MAROM, ASSOCIATE EDITOR; MARK AMI-EL, MANAGING EDITOR. 13 TEL-HAI ST., JERUSALEM, ISRAEL; TEL. 972-2-5619281, FAX. 972-2-5619112, INTERNET: ELAZAR@VMS.HUJI.AC.IL. IN U.S.A.: 1616 WALNUT ST., SUITE 507, PHILADELPHIA, PA 19103; TEL. (215) 204-1459, FAX. (215) 204-7784. © COPYRIGHT. ALL RIGHTS RESERVED. ISSN: 0334-4096.

THE JERUSALEM LETTER IS A PERIODIC REPORT INTENDED TO OBJECTIVELY CLARIFY AND ANALYZE ISSUES OF JEWISH AND ISRAELI PUBLIC POLICY.

globalization decreases identification with the nation-state, it can increase identification with a religious community. Religious communities which are minorities in a nation-state are part of much larger global networks. Transnational religious communities, it is argued, respond to the fragmented experience of capitalist culture at the end of the twentieth century. They reimpose coherence onto the subjectively perceived world and act as frameworks for mutual assistance between adherents. Globalization facilitates financial support and access to expertise. These, in turn, support the extension of local religious activities beyond worship to such communal services as education and social welfare.

The search for public funding for Ontario Jewish day schools may be seen in the context of the parallel endeavor by other religious groups to gain public funding for their schools. The story, which is not yet over, involves the unfolding of government policy towards public schools, Catholic schools, and private schools.

Religion, the Structure of Education, and Education Policy

In the Canadian federation established by the British North America Act of 1867, the Protestant religious minority in Quebec and the Catholic religious minority elsewhere were given legal protection. Quebec continued to organize its public education into Catholic and Protestant systems. Ontario, the other populous partner in the confederation, maintained "public" and "separate" school systems. The "separate" schools for the Catholic minority were guaranteed, but were only funded at the elementary level. Schools were financed by local taxpayers, who would identify themselves with either the local public or separate school board and pay the education taxes as set by these local boards. Similar arrangements were put in place in some other provinces.

The turn-of-the-century immigration of Jews brought a new religious group in substantial numbers into Canada. In the mid-1960s, the government of Quebec brought Jewish day schools into the framework of its financial support for private schools, subsidizing a considerable proportion of the cost of the "secular studies" curriculum. In Manitoba, Alberta, and British Columbia, Jewish day schools were also receiving public funding of some kind by the 1970s. In these provinces, other

"independent" schools are also eligible for some degree of publicly-funded assistance.

Minority Religions Seek School Funding

Ontario continued to exclude any alternatives to the public and separate schools from public funding. By the 1960s Ontario had the largest Jewish population of any province. As in Montreal, the Jewish afternoon schools of the early twentieth century had moved to the suburbs and become day schools, and new schools were organized. A proposal in the early 1970s to bring one or more Jewish day schools into association with a public school board foundered on the issue of control over admissions.

In 1984, the government of Ontario appointed Bernard Shapiro, head of the Ontario Institute for Studies in Education, to report on the funding of independent schools. Shapiro's report noted the inequity of public funding for only the Catholic alternative to public schools. It recommended a form of associate status, which would provide government assistance for independent schools within the public system. Expecting the recommendation to be controversial, the government did not act on it. The Ontario Jewish Association for Equity in Education, sponsored by the Ontario Region of Canadian Jewish Congress, was formed to carry on the campaign for public funding for Jewish day schools. From 1991 to 1996 the OJAE, in association with the Alliance of Christian Schools, sought to have the courts impose public funding as a matter of legal equity. The court case was fought, unsuccessfully, all the way to the Supreme Court of Canada.

Parallel to this court case, the Multi-faith Coalition for Equity in Education, with representatives from Evangelical Christian, Hindu, Moslem, and Sikh communities, was formed to advance a court case which would, had their argument been successful, have permitted local school boards to give religious schools associate status. This court case, too, was unsuccessful. The composition of the Multi-faith Coalition reflects the immigration from Asia and the Middle East that has come to Ontario in significant numbers from the 1970s on. In the ten-year period from 1981 to 1991, the number of Moslems, Hindus, Buddhists, and Sikhs in Canada increased by 2½ times, from 287,500 to 720,000. These new immigrants were concentrated in Ontario, especially in the city of Toronto.

Educational Reform in Ontario

The Conservative government elected in 1995 based its platform on lowering taxes by cutting government spending. It reduced its expenditures on public education by \$400 million, reduced school boards from 168 to 66, cut the salaries of trustees up to 90 percent, and moved the power to set education tax rates from the local to the provincial level. By moving control of funding to the provincial level, the government substantially removed the power of school boards to decide whether to spend more or less per capita than other boards. The City of Toronto Board of Education, for example, had made significant investments in programs beyond provincial requirements. On the other hand, the Catholic school boards, in order to maintain their clientele, had kept their level of school taxation lower than public schools. Consequently, while there was a general reduction in education spending, equal allocation on a per capita basis actually increased the income of Catholic schools.

The government's changes in education financing and structure met significant opposition. School boards objected to consolidation. Teachers went on a lengthy strike across the province, with the support of parents going much more heavily to the educators than to the government. The government, nevertheless, did not change its plans and the reforms proceeded. In July 1988, however, opponents of these reforms had success in the courts. An Ontario court held that the legislation removing the power to set education taxes from the Catholic school boards violated the Canadian constitution. The Catholic school boards were willing to give up this power in exchange for an increase in per capita funding to the same level as public schools. The court held, however, that the Catholic boards could not constitutionally agree to such a bargain. The government announced that it intended to appeal this decision and would meanwhile continue to operate under the new rules.

Implications for Private Schools

The election platform on which the current premier of the province ran promised "to examine the inclusion of denominational and other private schools" in the public system.

Ontario could follow the lead of Alberta, British Columbia, Manitoba, and Quebec by extending financial support to independent schools. Alternatively, it could set in place a system, like a voucher

system, in which a basic educational grant would follow each student into any school which meets provincial standards.

The Ontario government could also consider including denominational schools in the public system by incorporating them as charter schools. In charter schools, groups of parents with a common educational outlook form school councils. They may supplement public funding with their own resources, and they are able to significantly influence hiring and curriculum. This type of school structure is seen by conservatives as an attractive alternative to centralized public school boards, which are seen as too expensive (too many administrators and "frills") and too often liberal in educational ideology. In contrast, opponents see charter schools as opening the door to a two-tier system in which those able to pay extra and invest time receive better public schools than those less advantaged.

In August 1997, the executive assistant to the minister of education and the parliamentary assistant to the minister met with a group composed of those who had supported both attempts to gain religious instruction for minority religions through the courts. The *Canadian Jewish News* reported that the government representatives told this meeting that the government had "philosophically accepted" funding for religious day schools. According to Manuel Prutschi of Canadian Jewish Congress, the government intends to let the public catch its breath from the recent significant changes in education before implementing its promise to fund independent schools.

Policies of the government of the province of Alberta, which has an outlook similar to the one presently in power in Ontario and has been in power longer, may give some indication of directions under consideration in Ontario. In 1998, the Alberta government, in response to recommendations of its Private Schools Funding Task Force, announced that it was increasing its grants to independent schools by about one-third. Recipients were henceforth required, in addition to continuing to follow provincial curriculum guidelines, to appoint principals with teaching certificates and to establish parent councils, if they were not already in place. The Alberta government also insisted on a formal policy that "all private schools must not offer programs that in theory or in practice will promote or foster doctrines of racial or ethnic superiority or persecution, religious intolerance or perse-

cution, social change through violent action, or disobedience of laws." Alberta also established a charter school program in 1994. The implementation has been controversial, with problems of governance—internal divisions, conflicts over administration, budgetary issues—the main focus of complaints. The largest charter school has been closed. Others have had charters renewed with conditions or been incorporated into school boards as alternative schools, with a lower degree of autonomy.

Multicultural Education as a Model for Religious Education

The debate over education and religion is to some extent parallel to the debate over multiculturalism and education. Multicultural policy has been part of Canadian politics since 1971, and part of Ontario politics since shortly after that. The almost thirty-year Canadian experience with multiculturalism provides a perspective on specific proposals for education policy on religious diversity.

Multicultural policy has been implemented in education in various ways. Public school curricula have been rewritten to be more inclusive. Sometimes inclusive multicultural education involves teachers making sure that the mix of students in the class learn about each other's culture and become more tolerant of value judgments based on cultures other than their own. Multicultural education often involves a focus on racism, and has implications for staffing policy.

One of the most visible implementations of multiculturalism has been the establishment of "heritage language" classes, now called "international language" classes. A group of parents may request that a local school establish a class of up to 2½ hours a week to teach a language which is neither English nor French. The program also includes "Black cultural studies." A parents committee, in consultation with the board of education, hires the teachers. These classes have been held in after-school hours, on weekends, or sometimes for half an hour a day during regular school hours. The most dramatic proposal to implement multiculturalism in education was the proposal for a Black school with substantial control by a local school council over curriculum and staffing. No level of government agreed to investigate this proposal.

Multicultural policy has been carefully distinguished from policy regarding religion. This dis-

inction has been easier to make in principle than in practice. In the area of international languages, for example, international language Greek classes have been taught on weekends in Greek Orthodox churches; sometimes Hebrew has been taught in coordination with synagogue schools.

The shift in immigration patterns from the early 1970s to the late 1990s has also blurred the distinction between cultural and religious diversity. Up to the early 1970s, the main source countries of migrants to Canada were European. The languages and cultures of immigrants from Europe may have been different from mainstream Canadians, but their religion, to the extent they practiced, was one or another form of Christianity. Since the mid-1970s, Asia and Africa have become important sources of immigration to Canada, creating a society which is not only multi-ethnic and multi-racial but increasingly multi-religious.

The experience with multicultural education does not offer guidance on two important issues. First, cultural diversity is a somewhat different phenomenon from religious diversity. Cultural diversity can be brought into schools in a framework based on the civic ideals of toleration and the everyday practical relativism of the modern culture. Ideas about the coexistence of multiple cultures, the blending of cultures, or cultural change can be invoked to reduce the threat of "identity politics" dividing students into hostile camps. In contrast, religions usually present themselves to their adherents as the "only" or "best" source of truth; religious movements often stand in opposition to each other; and they often resist the idea that their beliefs and practices have somehow changed. How can a policy of religious diversity respond to these positions? Concern about raising these kinds of issues appears to have been a reason that multicultural policy kept its official distance from religion. Can different absolute truths be taught without teaching hostility, on the one hand, or insincerity, on the other? Should schools give equal time to all the religious traditions represented in the student body? Can students share each other's religion in the same spirit that they can be taught to share and appreciate each other's culture?

Second, while non-Catholic religious minorities have worked to establish their own alternative schools, only a few proponents of multicultural education promote separate schools for different cultural groups. Ontario does have a publicly supported system of French language schools avail-

able to its approximately 350,000 francophones. The legitimacy for these schools does not come from multicultural policy but from bilingual policy. They are seen as a significant contribution to Canadian national unity. Otherwise, private schools based on cultural differences are limited. In contrast, minority religions include enthusiastic proponents of alternative education who have been successful in establishing independent schools using their own financial resources. How is a policy on religious diversity in education to respond to the existence of these schools and the desire to establish new ones?

Two Briefs on Religion and Education Policy

Ontario governments for decades dealt with the issues of religion in public schools and public financing for independent religious schools by appointing study commissions. The Royal Commission on Learning was one of the addresses for submissions on these issues. Two briefs submitted in 1993 and 1994 to the Royal Commission on Learning presented, in the first case, an alternative strategy for religious education and, in the second case, more details about how incorporating parallel religious teachings into a publicly supported system might work.

The 1993 brief was received from the Ecumenical Study Commission on Public Education. The Ecumenical Study Commission on Public Education was formed in 1969 in response to the recommendations of a previous public inquiry on religion in the public school. An official coalition of the Anglican, Baptist, Lutheran, Presbyterian, Roman Catholic, and United Churches, it was historically favorable to maintaining some degree of Christian teaching in public schools. The submission of the Commission noted the existence of "different kinds of separate schools," but devoted its recommendations to "multifaith education about religion in inclusive public schools." It distinguished its approach to religious education from "religious instruction, religious indoctrination and proselytism." It proposed developing a comparative religion curriculum which would stress tolerance of differences, "the identification of values and principles shared by different religions," and "respect for religion [as] a fundamental dimension of human experience."

The Ontario Multi-faith Coalition for Equity in Education submitted a contrasting brief a few months later. The submission identified three prin-

ciples to "equip students for responsible citizenship":

1. Religion is integral to education.
2. The primary responsibility for the education of children lies with parents.
3. Public education must provide choice and equity.

The proposal to implement these principles called for the establishment of two educational initiatives. The first initiative is similar in structure to the international languages program. A group of parents would be entitled to petition a school to establish a program which would respond to the particular faith and values of the parent group. These opt-in programs would be part of the regular school program, not extra cost options. The recommendations on staffing the opt-in classes did differ from present arrangements for staffing international language classes. International language instructors are often not certified teachers, as the pool available for such part-time instruction has been limited. The opt-in proposal calls for classes to be "under the supervision of a certified teacher" and adds that "parents, elders and other qualified adult volunteers from the community involved would be encouraged to participate."

The second educational initiative recommended is the establishment of "religious and values based schools." These could be newly established within existing public school buildings or they could be existing private schools given associate status with the public system. In the first option, "religious and values-based schools" would fit into a charter schools model. In the second option, Ontario would follow the lead of the four other provinces which give support to independent schools. The Ontario Multi-faith Coalition explicitly pointed to the Shapiro report as a starting point for this initiative.

In its proposals on school governance, the Ontario Multi-faith Coalition proposes school councils. Parents would be the majority, but school councils would also include representation from "senior students, teachers and support staff, as well as from community interests." School councils would not be mandatory, but would develop ad hoc from grass roots initiatives. School board nominations for principal would be subject to the agreement of the school council. Councils would begin with an advisory role in expenditures of the school budget. The Coalition brief supports "a move towards school-based budgeting and management."

Globalization, Transnational Religion, and a Dilemma for Ontario's Jews

Read within the Canadian context, the proposal for parallel state-supported multifaith education uses rhetoric which is familiar to any student of Canadian multiculturalism. However, it is difficult to see the arguments for multifaith education outside of the changing context of the relationship between non-Christian religions and public education in a global context.

Changes in patterns of international trade, population movements, and communications are associated with a different understanding of cultural distinctions within local political jurisdictions. In the period of the rise of nation-states, deviant cultural groups could at best expect to be considered minority groups—that is, groups whose members fell outside of the standard cultural ideal for the nation, but who were entitled to citizenship rights, often with the expectation that their descendants would assimilate into the dominant culture of the nation. In the contemporary period, deviant cultural groups are coming to be thought of more as diasporas which maintain a continuing transnational tie with each other and with a homeland.

The understanding of the world as a global society with multiple diasporas coexisting within national boundaries reinforces the transnational character of religion. Major religions—Judaism, Christianity, Islam, Buddhism, Hinduism—have historically been both transnational in ideology but also significantly affected by premodern conditions of local isolation. Only in the modern period of intense nationalism did religious groups give primary attention to becoming denominations which defined their field of activity first of all within the political boundaries of the nation-state. It is no surprise that one aspect of globalization is the emergence of a latent transnational identity within religious groups. Religious communities not only speak to concerns about meaning in life at the level of humanity as a whole, they also provide transnational networks of trust and mutual assistance in an insecure, risky society.

Aid to independent schools was initiated in Canada the 1960s and 1970s, a period in which Canadian nationalism was unusually strong. At that time, providing government aid to the schools of Canada's Protestant minorities and to Canada's Jews could readily be seen as extending more equitable treatment to those without constitutional rights, while not endangering the integrationist

agenda of the Canadian provinces. The independent school movement of the 1990s looks somewhat different. It has moved in the direction of promoting local institutions which focus on identification with transnational religious movements rather than identification with Canada.

These considerations put the Jews of Ontario in what may seem to some to be a very interesting dilemma. On the one hand, the arguments about equity and financial stress are compelling. Public funding of Ontario Catholic schools—one religious alternative to public schools—and not others is widely perceived as simply inequitable. The inequity imposes financial penalties on parents who send their children to the over one hundred alternative schools based in other religious traditions. Parents of students in Jewish day schools pay twice for education—once to the public system and once to the schools that they attend. Elementary fees are in the area of \$7,500 per year per student. Secondary tuition is higher. The privately borne school costs also impose a financial burden on the Jewish federations of Ontario. The Toronto Federation, the largest, devotes about \$7 million dollars from the annual United Jewish Appeal fund-raising campaign to subsidies to day school parents.

On the other hand, modern Jews have turned to the ideal of a nondenominational civil society as protection against centuries of prejudice, discrimination, and violence. Civil society has been more than a framework to establish a minimum consensus on human rights among a divided population. In the views of its philosophers, civil society also stands for a moral order, in which the necessity to tolerate differences is turned into a virtue. Civil societies have promoted what have been called "civil religions." A civil religion teaches that the population is bound together into a community by common transcendent values. These values express the ideals on which the community is based and set the standards for relationships among citizens. Each civil religion has its own peculiarities, but they generally share the teaching that the virtues of tolerance, civic brotherhood, and respect for individual differences belong in each citizen's private life as much as they do in formal public norms. The moral dimension of civil society is taught in various places, but a central location has been the public school.

Public school education is not only public in the sense that it is publicly financed. It is also public in the sense that part of its mandate is the re-

production of the public itself—the preparation of the next generation to act as citizens. If students are removed from the public school to state supported schools which teach the priority of particular value systems over those of civil society, can the moral dimension of civil society be maintained? If the moral dimension of civility declines, can the formal structures of civil society be maintained?

The views of Gary Duthler, the executive director of the Association of Independent Schools and Colleges in Alberta (AISCA) and one of five members on the Alberta government's Private Schools Funding Task Force, may be useful on this issue. As noted above, according to the new relationship between independent schools and the Alberta government, AISCA bylaws were to be changed to state that "all private schools must not offer programs that in theory or in practice will promote or foster doctrines of racial or ethnic superiority or persecution, religious intolerance or persecution, social change through violent action, or disobedience of laws." Duthler explained to a journalist for *Alberta Reports*, "The wording is pretty careful. It says 'racial and ethnic superiority or persecution,'

so they cannot teach that a white person is better than a black person. But it says 'religious intolerance or persecution,' so they will still be able to teach religion, and even say that one world view, such as Christianity, Judaism or Islam, is superior to the other." The reader can decide whether this is a careful balancing of the dual obligations of faith and citizenship or the first step down a slippery slope.

* * *

Stuart Schoenfeld, Professor of Sociology at York University and a former Visiting Scholar at the Jerusalem Center for Public Affairs, has published widely on contemporary Judaism and Canadian Jewish life. He is past chair of the Network for Research in Jewish Education and is a former member of the Board of Jewish Education of Greater Toronto and the council of the Jewish Federation of Greater Toronto. A version of this *Jerusalem Letter* was originally presented at the 1998 JCPA Summer Workshop on Jewish Political Studies, on the theme of "Religion in the Public Square."

Now available from the Jerusalem Center!

The first study of its kind conducted in the American Jewish community!

**AMERICAN JEWISH LEADERS
VIEW BOARD-STAFF RELATIONS**

Gerald B. Bubis and Steven M. Cohen

This monograph probes the thinking of 830 national and local professional and volunteer leaders in UJA, CJP, UIA, Federations, Jewish Community Centers, Community Relations Councils, and Family Services. Based on a social scientific survey, it reports on the issues which most frequently cause difficulties between board and staff members including views on their respective power, how well they perform their jobs, and what they perceive as points of agreement and conflict.

\$12.50

Coming Soon:

**"POST-ZIONIST" PHILANTHROPISTS: EMERGING ATTITUDES OF
AMERICAN JEWISH LEADERS TOWARD COMMUNAL ALLOCATIONS**

Steven M. Cohen and Gerald B. Bubis

How both staff and board leaders view fiscal priorities and continued financial support for Israel.

**THE DIRECTOR HAD A HEART ATTACK AND THE PRESIDENT
RESIGNED: A HANDBOOK ON BOARD-STAFF RELATIONS**

Gerald Bubis

A book-length overview of board-staff relations with numerous scenarios reflecting real-life experiences as well as exercises and games to increase the skills and abilities of both staff and volunteer leaders.

GERALD B. BUBIS is Vice President of the Jerusalem Center for Public Affairs, Founding Director of the School of Jewish Communal Service and Professor Emeritus of Jewish Communal Studies at Hebrew Union College, Los Angeles. He has written and lectured extensively on many issues confronting contemporary Jewish life.

STEVEN M. COHEN is a Fellow of the Jerusalem Center for Public Affairs and a professor at the Melton Centre for Jewish Education at the Hebrew University of Jerusalem. He is a pre-eminent sociologist who has specialized in studying contemporary Jewish issues.