

**RESPONSE OF THE
NEWFOUNDLAND-LABRADOR HUMAN RIGHTS ASSOCIATION
TO THE RECOMMENDATIONS OF THE
ROYAL COMMISSION OF INQUIRY INTO THE DELIVERY OF
PROGRAMS AND SERVICES IN
PRIMARY, ELEMENTARY, SECONDARY EDUCATION**

OCTOBER 19, 1992

TABLE OF CONTENTS

1. Introduction	1
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RESPONSES TO GENERAL RECOMMENDATIONS

2. Composition of Commission of Inquiry	3
3. Modified Denominational System (Recommendation 1)	
3.1: Philosophical Justification.....	4
3.2: Survey Interpretation.....	5
3.3: Conclusion: Survey Interpretation	8
3.4: Meaning of Judeo-Christian	8

RESPONSES TO SPECIFIC RECOMMENDATIONS

4. Introduction	10
5. Denominational Policy Commission (Recommendations 36,46)	10
6. School Planning and Construction Board (Recommendations 40, 41, 183, 184)	12
6.1: Membership	12
6.2: Public Control.....	13
7. School Councils (Recommendations 15, 18, 19, 20, 21, 22, 16, 17)	14
7.1: Commission, Board and Council Relations.....	16
7.2: Church Representation.....	17
8. Religious Education (Recommendations 2, 12, 23, 37)	18
8.1: Relative position of Religious Education	18
8.2: Control of Content	19
8.3: Public Funding.....	19
8.4: Religious Formation	19
9. Pastoral Care (Recommendations 24, 25)	20
10. Privacy and Stereotyping (Recommendations 159 and 160)	22
11. Disabilities - Behaviour (Recommendations 142, 143, 171 and 172)	23
12. Summary of Responses to Specific Recommendations	24

1. INTRODUCTION

At the end of March, 1992 the Royal Commission of Inquiry into the Delivery of Programs and Services in Primary, Elementary, Secondary Education delivered its recommendations to the government of Newfoundland.

The Newfoundland-Labrador Human Rights Association has reviewed the report, *Our Children Our Future* and this document contains the Association's responses to the various recommendations. It is important to note that we have limited our comments and observations to those recommendations that deal with Human Rights issues. In addition, we have remained consistent with our position of February 18, 1992 and will refer to that earlier document throughout this brief.

The report contains a number of recommendations which are highly commendable. These reflect a genuine concern for, and a highly professional appreciation of, the problems faced by the various participants in the provincial educational system. Outstanding are such ones as those dealing with Native Education, response to public concerns, integration of children with disabilities, prevention and detection of child abuse, support systems for pregnant teenagers and teenage mothers, child hunger, core curriculum, and teacher evaluation.

The Association firmly believes that there are additional areas which deserved attention by the Commission of Inquiry. These involve such issues as the importance of language instruction, multicultural education and Native and Heritage Language Institutes at the teacher training levels.

Despite a number of commendable recommendations however, the Newfoundland-Labrador Human Rights Association must take a critical position in opposition to the overall thrust of the report of the Royal Commission of Inquiry.

As will be made clear in the first sections of this brief, *Responses to General Recommendations*, the Association cannot agree to the basic recommendation of the Royal Commission of Inquiry that this province should have a "modified" denominational education system based on "Judeo Christian" principles.

Our opposition is based on the following facts:

1. The wish of the majority of people, as referred to in the Report, that there be a public school system free of denominational involvement and control.
2. The Commission's questionable interpretation of the survey data which is clearly in favour of a public school system but which the commission has misinterpreted to mean the opposite.
3. The lack of definition of the term "Judeo Christian" and the potential danger that this represents if allowed to be used as a philosophical basis for our educational system.

After a long debate, members of the Newfoundland-Labrador Human Rights Association decided that, although we strongly advocate that there be a public school system, it would nevertheless be appropriate to respond to some of the specific recommendations of the Royal Commission of Inquiry. These are included in the second chapter of our brief, *Responses to Specific Recommendations*, sections 4 to 11.

It is our contention that, if government decides to introduce the "modified" denominational system, it must then endeavour to avoid a number of pitfalls which would cause changes to be cosmetic rather than real. We oppose the proposed undemocratic method of appointment to, and the control by, the enumerated denominations of the School Planning and Construction Board. This control by the enumerated denominations would be further tightened by the guaranteed representation of the churches on the School Councils. The power to manipulate the educational system by the unelected members of a Denominational Policy Commission would be extremely dangerous and would prove counterproductive in future developments and in the delivery of high calibre and modern educational services.

Secondly, although the Association does not oppose the teaching of comparative religions, we strongly object to including religious formation* as part of the curriculum. This activity should not be funded by the public purse since it is a function that belongs in the churches and in private religious schools. Equally, we oppose the idea of pastoral care as part of the educational services since this again is a function reserved for the churches, to be carried out in their own establishments and with their own adherents.

In addition to our concerns about the continued power of the churches, the Association is concerned about the recommendations dealing with children who disrupt classes due to physical and mental disabilities. Equally, the Association is concerned with the need to protect the privacy of children and to avoid the dangers associated with stereotyping caused by family problems such as divorce.

In conclusion, therefore, the Newfoundland-Labrador Human Rights Association wishes to go on record as opposing the thrust of the report of the Royal Commission of Inquiry. The recommendations are designed to perpetuate the power of the enumerated denominations. It is our view, as we stated in 1992, that the province of Newfoundland and Labrador needs a public school system free of church control.

* In this section, and throughout the remainder of this brief, the Newfoundland-Labrador Human Rights Association will differentiate between religious education (the study of religions), and religious formation (the process of preparing persons to become full-fledged members of a particular religious denomination).

RESPONSES TO GENERAL RECOMMENDATIONS

2. COMPOSITION OF COMMISSION OF INQUIRY

On February 18, 1992 the Newfoundland-Labrador Human Rights Association presented a brief to the Royal Commission of Inquiry into the Delivery of Programs and Services in Primary, Elementary, Secondary Education and explained its position regarding the denominational school system. We also expressed our concern with the composition of the membership of the Commission of Inquiry by stating that:

... the Association wishes to go on record as declaring that it fundamentally disagrees with the composition of the Royal Commission and the way that it was established. Our major concern is that the Commission's membership overly represents the educational establishment and does not contain even one representative from major groups such as parents and teachers who, together with the students, are the real participants in the educational process.

We believe that the Commission of Inquiry's report and recommendations justifies our initial reservations. Although the report contains some interesting and progressive suggestions for improving the educational system, the main thrust of *Our Children Our Future* is a continuing commitment to a denominational system, albeit one which is presented as being a "modified" system.

It is true that many of the Commission of Inquiry's proposals would remove such obvious and undemocratic irritants as the disenfranchisement of parents who are not members of the enumerated denominations and the obstacles to entry of their children to neighbourhood schools. Nevertheless, the main thrust of the Royal Commission's report advocates the continued institutionalised presence of the enumerated Churches in the "modified" educational system.

It is our contention that because the Commission members belong to groups with vested interests in the retention of the present system, the Report, not surprisingly, fails to recommend a truly public school system.

The Association recognizes that this is a serious criticism and we do not take this position lightly or frivolously. To substantiate our view, we would like to draw attention to the use of the term "Judeo Christian" in recommendation 1 which deals with the nature of the proposed education system.

The Commission of Inquiry obviously had to struggle with the very basic problem of choosing a value system on which to base the educational structure. It recognized that a **secular**

public system concurrent with a denominational one would have been the best option, but this alternative was rejected. Rather, the Commissioners insisted on a "modified" denominational system based on Judeo Christian principles.

The Commission of Inquiry does not attempt to explain these principles. It is very disturbing that this crucial and fundamental term, Judeo Christian, is not defined. The only literature that was reported to have been considered was an old Department of Education bulletin dating back to 1959 and a Mission Statement of the Essex Education Council.

The Newfoundland- Labrador Human Rights Association is concerned that this lack of definition leaves this term completely open to subjective interpretation. Disturbingly, we could not find a definition of it in a number of dictionaries, encyclopaedias and other works of reference considered.

The apparent lack of research into, and explanation of, this key commitment is largely due to the fact that the Commission members are part of a structure with vested interests which they represented. Most certainly the lack of clarity surrounding this term and commitment would not have happened if other community representatives had participated in the Commission.

3. MODIFIED DENOMINATIONAL SYSTEM:

3.1 Philosophical Justification

As was indicated in the introduction to this brief, the only literature that was directly footnoted and thus considered important by the Commission were two documents: *Aims of Public Education for Newfoundland*, published by the Department of Education in 1959 (reprinted in 1984 under the title *Aims of Public Education for Newfoundland and Labrador*) and the *Mission Statement*, Essex Education Council.

We have been unable to gain access to the latter document and therefore we cannot comment on its relevance. The *Aims of Public Education for Newfoundland and Labrador*, a booklet of four and a quarter pages written by an anonymous writer or committee, was available.

It postulates the thesis that we develop best in a Christian democratic society (note that the Commission speaks of a Christian *and* democratic society). It states that those who have achieved their fullest and best development are those individuals who are possessed by a religious faith as

maintained and taught by their Church; who possess a sense of moral values as affirmed by their religious faith; and who are willing to accept their status and position.

It lists attributes which in their totality

... are harmonised and related in an all round personality whose 'growth in wisdom and stature' is accompanied by 'growth in favour with God and humanity'.

This booklet makes a number of additional statements, all of them representing the type of thinking considered only relevant in a homogeneous parochial environment. Clearly this approach is not appropriate for the latter part of this century and for a pluralistic society searching to cope with a vibrant and challenging global environment.

The weakness of the arguments in this dusty document are such that it should not have been used as the major philosophical underpinning of the Commission of Inquiry's report and recommendations.

3.2 Survey Interpretation

Since the Commission of Inquiry's proposal for a "modified" denominational system must have seemed, even to the Commissioners, to lack a strong and well researched philosophical basis, they then appear to have turned to a second set of arguments to justify their recommendations. This position was based on an interpretation of the popular view as expressed through its survey of 1,001 individuals.

Since 1979 and, most recently, in 1991, a number of surveys have been conducted and in all of them a majority of all respondents have favoured a single public school system. No matter which way it is considered and analysed, this single clear fact cannot be dismissed. Even the Commission of Inquiry's own statements in the latter part of Chapter 5 recognize this reality. In addition, those who oppose the denominational system are consistent in their views when dealing with specific changes such as those listed on page 93 of the report.

The Commission, however, tries to minimise this commitment by pointing to four "inconsistencies" in the view of the majority. **The Newfoundland-Labrador Human Rights Association feels strongly that these four sets of responses do not constitute a diminishing of the respondents' commitment to a non-denominational education system.**

To illustrate this viewpoint, we will restate these four points and evaluate each one individually.

A. *"The majority wishes to retain the teaching of religion in school ."* (Table 5.5, page 86)

The study of religion can be viewed as a legitimate academic subject and it is not surprising that the majority of the respondents would accept it in the schools. There is, however, a distinction to be made between teaching about religions (i.e. all religions, without bias) and teaching a religion (i.e. religious formation). One can see the former as being acceptable to both religious and non-religious people but not the latter.

This position is reinforced when one considers the responses to the questions in table 5.5. The majority of the respondents, (85 %), supported the idea that **children should be taught in school about beliefs and practices of all religions (Q18)**. This specific viewpoint is further clarified by the fact that **only 30 % felt that children should be taught in schools on the beliefs only of their own religion (Q13)**.

The manner in which the questions were presented and responded to, clearly indicate the respondents' viewpoints on the teaching of religion. It can not be concluded, however, that their answers supported a "modified" denominational education system.

In addition, one can also see religious formation as a right belonging to fellow citizens who are adherents of a particular faith such as Catholicism, Pentecostalism, Buddhism or others. A commitment to that activity is totally consistent with a pluralistic and democratic society but again **this view does not mean that the respondents therefore wish to continue with a "modified" denominational system where the enumerated Churches retain power.**

- B. *"The majority wishes to retain 'teachers who are expected to exemplify religious values and standards'." (Table 5.6, page 87)*

This supposed inconsistency in the majority view is no more than a red herring! Obviously people want teachers who have high standards and values. In the popular mind, a person with a commitment to religious values is often equated with a person with high moral standards. Thus, 88 % of the respondents replied in the affirmative to this question *but* the fact that a similarly large group of 74 % stated that a teacher could be someone of a different faith, indicates that they do not support a religious straight jacket in the hiring and retention of teachers. Note that this view is also supported by the answers to the question on refusal by Boards to hire people of a different religion. In their reply to question 11, 81 % of the respondents disagreed with the position that school boards should be allowed to discriminate on the basis of religion when hiring teachers.

It is our view that the question regarding commitment on the part of teachers to religious values and standards is a leading one and therefore confusing. The majority of people simply want high calibre teachers.

The replies to these questions must not be taken as a rejection of the concept a non-denominational system. To do so would be, to put it bluntly, a cover up. **We feel**

that the question on religious values and standards has been used by the Commission to diminish the implication of the majority view that denominational education is a thing of the past.

C. *"The majority wishes to retain Church Rights."* (Table 5.9, page 92)

The Commission of Inquiry, on page 93 of its report, affirms the fact that most people do not realize what Church Rights are. The report states that:

The endorsement of 'church rights' may be interpreted as a largely symbolic affirmation of respect, since those specific legal rights are not widely known, comprising in a large part the operation of separate boards and schools - which the great majority specifically rejects.

Thus the statement, *"a good thing about the Newfoundland school system is that Church Rights are preserved"*, is misleading and the question should have been more specific. People should have been asked what they thought of *specific* Church Rights.

A majority of the respondents, 75 %, agreed that church rights should be preserved but this apparent support was subsequently qualified when a solid 40 % indicated that churches should no longer be involved in the work of school boards. Public reservations about church involvement are clearly indicated by the support of 89 % of the respondents for the position that if churches want to operate their own schools, they should help pay the costs.

Our position is that two basic characteristics of our society are cultural pluralism and the right of minorities to be protected from the "dictatorship of the majority". Most people who support a public non-denominational system would have answered in the affirmative when questioned about the Rights of Churches as they apply to their members.

Obviously the Churches fulfilled an historic role in the educational development of this province and most people believe that Churches should have the right to provide religious education for the children of their adherents. However **we argue that this recognition by most respondents is simply a commitment to democratic principles and not an endorsement to continue the denominational system.**

D. *"The majority wishes to retain a Church 'involvement' in school boards ."* (Table 5.9, page 92)

The previous three points cited by the Commission of Inquiry deal with concepts that were presented in a general and vague manner. However, when dealing with Church

"involvement", the respondents were able to see through the haze and thus we can see a lowering of the percentage of agreement.

Clearly Churches are part of the communities in which they function and most people would like to see some kind of "involvement" of these institutions in the educational structure. It is, however, a great jump from agreeing to an "involvement" by such community groups, to the position of the Commission of Inquiry that this must therefore mean that the respondents wished to retain a denominational school structure.

3.3 Conclusion: Survey Interpretation

The issue of whether a majority wants a public school system or a "modified" denominational system is quite clear and is expressed in the report when the Commission of Inquiry states that the majority of people **"would prefer to switch to a non-denominational system from the status quo"**.

We cannot state too clearly our disagreement with the conclusion of the Commission of Inquiry that, because the majority holds a less rigid view on these four questions, there exists a justification for recommending a modified denominational system. This selectiveness in interpretation is even more transparent when one realizes that substantial majorities endorse the view that:

- religion should be taught in a multi-denominational setting (70-85 %)
- religion can be taught by a teacher of another denomination (74 %)
- there should be no denominational restrictions on teacher hiring (81 %)
- members of non-recognized denominations should be allowed to serve on school boards (82 %)
- there should be a single school bus system in each area (85 %)
- there should be single, joint school boards in each area (87 %)
- there should be a single school system for all children (79 %)
- all children should attend the same schools (85 %)

3.4 The Meaning of Judeo Christian

Recommendation 1 :that, recognising the reality of a pluralistic democracy, declining enrolments and diminishing resources, the proposed model which is responsive to the needs of all constituent groups, yet recognizes the desire of the majority to retain a school system based on Judeo-Christian principles, be adopted and implemented.

NEWFOUNDLAND-LABRADOR HUMAN RIGHTS ASSOCIATION'S RESPONSE:

The weakness, or rather the non-existence of literature to justify the position that the province needs a "modified" denominational system based on Judeo Christian principles, is quite appalling. As well, the answers to survey question 6, which asked the respondents whether they preferred a denominational or non denominational system, were quite clear and indicated that the majority of people, 60.4%, want the province to change to a non denominational system.

Nevertheless, the Commission of Inquiry insisted on introducing a new term to justify its recommended "modified" denominational system. It is a structure to be based on "Judeo Christian" principles.

What are Judeo Christian principles? The *Aims of Public Education for Newfoundland and Labrador* does not use this term. Rather, it only refers to Christian principles. The Commission does not explain why the term Judeo was added.

Education is a search for knowledge and skills. In fact the Commission of Inquiry is very eloquent when it tries to define the implications of the changing environment for education. What a system of education must provide to its clients is stated in the following manner, on page 44 of the Report:

... coping with technological change and scientific innovation will require a set of basic skills which go beyond the necessary fundamentals of literacy and numeracy. They will require such new bases as critical and creative thinking, the capacity for independent learning, the ability to synthesize and communicate information, and innovative problem solving.

It is beyond our comprehension how the above goal can be reconciled with the philosophy found in the *Aims of Public Education for Newfoundland and Labrador*. One of the major thrusts of this document is to defend the status quo. It states that:

... those who have achieved their fullest and best development as individuals are those who, to the best of their ability, ... (c) are so developed and matured mentally and emotionally as to be able to live sanely, happily and satisfyingly, in harmony with themselves and their individual circumstances both inherited and acquired.

The contrast between the above two models of dealing with reality is astonishing. Which of these two ideals does the Commission of Inquiry propose? A definition of Judeo Christian is not given and the literature does not define or point in any direction, except for a weak leaning to the concepts in the booklet on Public Education.

Our concern is that this phrase "Judeo Christian" will come back to haunt us in the future! Will adequate sex education, a matter of life and death in this day and age, be stopped because it

does not meet the requirements of Judeo Christian principles? Will the study of genetics, of new means of combatting diseases, and of new forms of birth control be rejected because it is contrary to Judeo Christian dogma? Will the study of slavery, of the Inquisition, or of the Catholic Church's role in the Second World War, for example, be declared non grata because it offends Judeo Christian principles and mythology?

The Newfoundland-Labrador Human Rights Association feels strongly that a commitment to an undefined set of principles will lead to a philosophical straight jacket which we will all come to regret.

Our concerns are based not only on the lack of definition but also on a number of other recommendations that will give a role to the Churches where they will have a power to enforce their own interpretation of what constitutes Judeo Christian principles.

RESPONSES TO SPECIFIC RECOMMENDATIONS

4. INTRODUCTION

At this point in our response to the recommendations of the Royal Commission of Inquiry, it is important that we reiterate our position on education, as defined in our original brief presented on February 18, 1991.

At that time we called for the following:

The immediate establishment of an alternate Public School System for the province of Newfoundland. It is our suggestion that this be done through:

- (a) The establishment of a Public System beginning with redesignated schools in all the major population centres.
- (b) As acceptance grows, a similar redesignation be implemented in the rural areas beginning with the primary and elementary levels, and
- (c) In those areas where the numbers do not warrant two systems, a parallel system of Denominational and Public streams be designed within the schools.

We have not deviated from this original position and the reasons why we came to adopt this view. However, we will attempt to deal, albeit reluctantly, with specific recommendations, some of which we feel are another means of entrenching the power of the churches, at the expense of those who are non religious or not part of the enumerated denominations. In addition, we will also attempt to evaluate a number of new items that would infringe on other Human Rights such as the Right to Privacy and the freedom from discrimination based on disabilities.

5. DENOMINATIONAL POLICY COMMISSION

Recommendation 36 : that the existing Denominational Educational Councils be dissolved and that the present Denominational Policy Commission be responsible for (1) advising government on educational policy which affects the rights of denominations; (2) overseeing the development of Religious Education and Family Life programs; (3) facilitating pastoral care; and (4) advising School Councils on educational policy which affects the rights of denominations.

Recommendation 46 : that appointments to the School Planning and Construction Board be made by the Denominational Policy Commission.

NEWFOUNDLAND-LABRADOR HUMAN RIGHTS ASSOCIATION'S RESPONSE:

Recommendation 36 proposes that the existing Denominational Educational Councils be dissolved and that the present Denominational Policy Commission be given a new set of responsibilities. In addition, recommendation 46 adds a fifth one: *the power of appointment to the School Planning and Construction Board*.

This fifth responsibility gives a totally different colouring to recommendation 36. If implemented, it could be argued that, through its power of appointment to the School Planning and Construction Board, the Commission would have a very strong control over allocation of funds to School Councils.

At what point, then, will advice really become a dictate, considering that refusal to heed suggestions might very well result in an unfavourable reception of a School Council's request for financial resources ?

Nevertheless, the Newfoundland-Labrador Human Rights Association does not oppose the concept of a Denominational Policy Commission. We would however recommend that its *sole function* should be to advise government on educational policy which affects the rights of denominations. Since this body will act as a voice for the Churches, it must also be open to representatives of all denominations, including the non-enumerated ones.

The Association could support a second function for the Commission, that of advising School Councils on educational policy, but only if no links exist between the Commission and the School Planning and Construction Board.

It is impossible to be an advisor to government and to the educational institutions and, at the same time, be an implementor and participant in delivery of services such as religious education, family life programmes and pastoral care. The confusion becomes even more

pronounced if the Commission also controls the purse strings of the School Planning and Construction Board.

In summary, we propose that the Denominational Policy Commission, if it is established, have the following functions:

- to advise Government
- to advise School Councils (if there is no linkage with School Planning and Construction Board)

We also urge that the selective nature of membership must be removed and that participation be opened to Denominations not presently enumerated in the Schools Act.

6. SCHOOL PLANNING AND CONSTRUCTION BOARD

***Recommendation 40** : that a provincial School Planning and Construction Board, fully responsible for the allocation of funds for new school construction and the maintenance and renovation of existing schools, be legislated.*

***Recommendation 41** : that the School Planning and Construction Board have specific responsibilities for (1) instituting a long-term school construction and maintenance plan for the province, (2) advising appropriate levels of provincial funding, (3) establishing guidelines and standards for the construction of schools, (4) identifying provincial needs and priorities, (5) allocating funds for the construction and maintenance of schools, and (6) establishing linkages with other government departments and agencies to facilitate the planning of school/community facilities.*

***Recommendation 183** : that the School Planning and Construction Board establish formal links with other government departments to ensure that all new buildings respond to the multiple needs of the community.*

***Recommendation 184** : that, where local support has been established, the School Planning and Construction Board give consideration to a pilot project focusing on the development of a community school in which a wide variety of educational and community needs could be met.*

NEWFOUNDLAND-LABRADOR HUMAN RIGHTS ASSOCIATION'S RESPONSE:

The Commission of Inquiry proposed the establishment of a School Planning and Construction Board. On first reading, the Newfoundland-Labrador Human Rights Association

applauded these recommendations because we felt that this Board would be an example of how to manage a modern and rational education system.

However, a closer reading of the report indicated that this Board would be totally contrary to our initial impression. *It is designed to perpetuate and even strengthen the control on our educational system by the enumerated denominations.*

6.1 Membership

The Commission of Inquiry, in its recommendation 46, proposes that appointments to the School Planning and Construction Board (the Board) be made by the Denominational Policy Commission (the Commission). Prior to making this recommendation, the Commission of Inquiry makes a very telling observation. On page 249 of its Report, it is stated that

... Since 1969, the financial contributions of the Churches towards school construction have declined significantly. Today, most schools are build with public money...the Commission [of Inquiry] could find little conclusive data about the extent of local financing of schools...

The Commission of Inquiry goes on to argue *"that there is a need for a focused, provincial perspective on, and rationale for, school construction..."* In other words, we need to base our decisions on construction and maintenance on objective criteria which take into consideration the needs of the whole province.

The Newfoundland-Labrador Human Rights Association strongly supports these sentiments. Their adoption would ensure that the membership of the Board would be composed of experts and technicians capable of making *professional and objective* decisions. While there may be a place for some representatives of the enumerated denominations, the criteria for membership would be professional and clearly defined.

However, we fail to understand the logic that competent and objective professionals can only be found among people recommended by the denominations. Does the Commission of Inquiry imply that such organizations as the Newfoundland Teachers Association, the Department of Education, Memorial University and various professional education groups are incapable of supplying appropriate human resources? Equally so, there are provincial associations such as the Parents and Teachers Association, the Literacy Coalition and the Association of Universities and Colleges that can bring sophisticated and appropriate perspectives to the functioning of the Board.

The logic of this recommendation to restrict membership on the Board only to those recommended by the Commission is totally foreign to all rational managerial principles.

The Newfoundland-Labrador Human Rights Association strongly opposes any system which would place our collective wisdom in the hands of a small, unelected elite and to give it the power to appoint individuals who will decide on what is appropriate for the people of Newfoundland and Labrador and who will make decisions on the expenditure of public funds.

6.2. Public Control

It has always been our viewpoint that we live in a democracy where the public has the power to go to the polling booths and remove governments that act contrary to its wishes and desires. Consequently we are appalled that the Commission of Inquiry, on page 250 of its report, proposes a system so undemocratic that we must take exception to it and we are convinced that most people share this view. The Commission of Inquiry believes that:

... ensuring that decisions about school construction [and maintenance, funding levels, standards of construction, provincial needs etc] are made away from the normal political structures has merit and that this principle should be maintained.

It is obvious that the Commission of Inquiry is fearful of petty political interference and pork barrelling. Most people would share this concern. Nevertheless, we are even more fearful of parochialism, religious bias, interference and patronage because, under this proposal, the public would not have a democratic means of ending this type of abuse.

We have confidence in the provincial electorate and its representatives. Obviously we agree that there has to be a reasonable certainty that decisions be made in a professional manner and are not overturned for superficial reasons, but this can be accomplished within the democratic political structure. Appointments to the Board can be made by government in a manner similar to those to the judiciary and to other public tribunals. Membership can be protected through fixed terms of appointment. Decisions can be focussed through adherence to long term planning criteria.

There is a wide range of options available to ensure protection from petty political action but these are not envisaged by the recommendations as they apply to the School Construction and Planning Board.

The Newfoundland-Labrador Human Rights Association therefore recommends:

- **that the power of appointments to the Board be the direct responsibility of the government.**

- that adequate protection for appointees be provided through public scrutiny of candidates, fixed terms of appointments, and adherence by Board members to the terms and conditions of long term planning.
- that appropriate professional and community groups participate in nominating candidates for the Board and that government ensure that membership be representative of a broad spectrum of interest and user groups.
- that long term plans must be developed and debated in public. Once these have been accepted by the government, Board decisions must reflect these guidelines.

7. SCHOOL COUNCILS

***Recommendation 15** : that, through legislation, provision be made for the establishment and maintenance of School Councils.*

***Recommendation 18** : that the following responsibilities be considered as part of the overall mandate of the School Council:*

1. to protect local educational interests,
2. to influence the formation of the school,
3. to share with the school board in school-level decisions, such as curriculum, funding and staffing,
4. to authorize the raising of funds at the school level,
5. to communicate to the school board its concerns about board policies and practices,
6. to seek ways to involve parents, particularly those who, in the past, have chosen not to be involved in school life,
7. to analyze the information about how well the school is doing and, with the assistance of the school board, prepare an annual report to parents, and
8. to hold meetings with parents to discuss the annual report and any other matters concerning the operation of the school.

***Recommendation 19** : that each School Council co-operatively develop a statement of mission and goals that would be congruent with the powers of the Councils as stipulated in legislation, and that these statements serve as the reference for all school-based decisions.*

***Recommendation 20** : that each School Council communicate its mission and goals to all its constituents: students, parents, school staff, the community and the school board.*

***Recommendation 21** : that each School Council comprise an appropriate balance of representatives from the following groups:*

1. *parents elected by the parents of children registered at the school,*
2. *teachers elected by teachers,*
3. *representatives of the churches,*
4. *representatives from the community chosen by the other council members, and*
5. *the school principal (ex officio).*

Recommendation 22 : *that, in collaboration with the school board, each School Council prepare a formal School Protocol Agreement to address the following:*

1. *background and rationale for the agreement,*
2. *strategies for the provision of religious education,*
3. *obligations, roles and responsibilities of each partner (the school board and School Council),*
4. *strategies to facilitate parental input,*
5. *strategies to encourage and strengthen school/community relations, and*
6. *mechanisms for regular review of the roles and responsibilities of the Council and the Protocol Agreement.*

Recommendation 16 : *that policies be established by school boards to facilitate the effective operation of School Councils and that each school board assign staff responsibility for the establishment and development of effective School Councils.*

Recommendation 17 : *that the Department of Education assign staff responsibility for addressing parental issues and providing mechanisms to ensure the meaningful involvement of parents. These responsibilities should include:*

1. *monitoring school boards to ensure that School Councils are established and maintained,*
2. *developing a clearinghouse of information on local governance for distribution to school boards,*
3. *providing information on parental roles which have been tried successfully elsewhere, and*
4. *in an annual report to the Minister, describing the status of School Councils.*

NEWFOUNDLAND-LABRADOR HUMAN RIGHTS ASSOCIATION'S RESPONSE:

In our opinion, the Commission of Inquiry proposes a commendable School Council structure of parent, teacher and community involvement. It is designed to allow these groups access to, and involvement in, the running of local schools.

The Newfoundland-Labrador Human Rights Association strongly supports the proposals but objects to two aspects of the recommendations. One of them has been partially dealt with earlier in the section dealing with the Denominational Policy Commission. The Association questions the linkage between the Commission and the Councils because of the former's power of appointment to the School Planning and Construction Board.

The second objection applies to the institutionalization of the Churches' representation on the Councils. The Association does not object to Church participation on these Councils as representatives of the community, but rather opposes guaranteed membership, regardless of the democratic wishes of the parents, teachers and representatives of the community.

7.1 Commission, Board and Council Relations

As was indicated in section 6, School Planning and Construction Board, we strongly object to the undemocratic nature of Board appointments. In effect, Board members will be "creatures" of the Commission because they are selected and appointed at the discretion of the Denominational Policy Commission.

As proposed by the Commission, the Board will have enormous power over school expansion and maintenance. In a normal system this balance of power between Board and School Councils would be expected to be dynamic and creative and one that should not be feared by the various participants. Thus the Newfoundland-Labrador Human Rights Association supports this part of the recommendations.

However, a problem would arise if the Denominational Policy Commission entered the fray. The Commission of Inquiry envisages that one of the functions of the Denominational Policy Commission will be to advise School Councils. What would happen, for example, if a Council refused to heed the advice of the Commission? It could be argued that Councils who took this action would be susceptible to punitive financial measures by the Board since the Board would reflect the Commission's ideology and points of view.

The Newfoundland-Labrador Human Rights Association strongly **opposes linkage of the School Councils with the Commission as long as that group is also responsible for appointments to the Board.** On the other hand, should this proposed connection between Board and Commission be dropped, then the Association would not object to an advisory role by the Commission.

7.2 Church Representation

The Newfoundland-Labrador Human Rights Association recognizes the contributions the Churches have made to our educational system. If parents, teachers and participants of a community wish to invite Church representatives to sit on a Council, we would consider this is their democratic right.

On the other hand, a commitment to democratic principles must also allow for the reverse. If the majority of a community does not wish such Church involvement in its School Council, then the Churches should not be allowed to avail themselves of a special and legally guaranteed position.

Guaranteed Church participation on the Councils is also problematic from another perspective. Advice from the Denominational Education Commission must be evaluated by the Councils in an atmosphere of freedom. It is quite difficult for this process to occur if the Commission has a guaranteed voting membership at the local level through the Church representatives.

A final problem lies with the selective nature of Church representation. Assuming that, under the system the Commission proposes, the Church representatives would be drawn from the enumerated denominations, what about Churches which are not enumerated? If the purpose of the recommendations on School Councils is to involve a broad community representation in managing the schools, then it would not be appropriate to eliminate those religious groups that are not enumerated.

It is for the above reasons that the Newfoundland-Labrador Human Rights Association proposes

- that guaranteed Church representation not be included in the composition of the School Councils.
- that representation should be permitted only if the membership invites Churches to participate as part of the community organizations sector.

8. RELIGIOUS EDUCATION (STUDY OF RELIGION)

Recommendation 2 : *that, where numbers warrant, children be provided with opportunities for religious activities and instruction in their own faith, and that the school system be sensitive and responsive to children of all religious groups.*

Recommendation 12 : *that the following guidelines apply for all schools:*

1. *where numbers warrant, appropriate religious education programs be offered as part of the curriculum, and*
2. *where numbers do not warrant, and where students of other religious groups are enrolled, opportunities be provided for approved representatives to have*

appropriate access to students of their faith to have their religious education needs addressed.

***Recommendation 23** : that the primary role of the church in school life should continue to be the development and provision of religious education programs and additionally providing pastoral care to students.*

***Recommendation 37** : that the Department of Education resource the development of religious education programs.*

NEWFOUNDLAND-LABRADOR HUMAN RIGHTS ASSOCIATION'S RESPONSE:

The issue of religious education can be fraught with controversy. It is therefore necessary that we make it clear that **the Newfoundland-Labrador Human Rights Association does not oppose religious education** per se. From both an academic and a cultural perspective, comparative religious education can be a viable and positive component of the curriculum.

Where the Association diverges from the recommendations of the Commission of Inquiry is in the following fields:

- 8.1 The position of religious education in the curriculum
- 8.2 Control of content
- 8.3 Public Funding
- 8.4 Religious formation or preparation.

8.1 Position of Religious Education.

If implemented, religious education must be professional of delivery and must be linked to other elements in the curriculum. Equally so, the multitude of religious groupings, both enumerated and non-enumerated, combined with the large presence of non-religious persons and members of smaller non-Christian faith systems, would make it impossible to have each group insist on its own peculiar and specific type of religious education.

It is for this reason that we propose **that religious education must be organized and developed as a realistic component of the curriculum package. The number of textbooks and materials must be limited so that religious education is both viable and professional.**

Secondly, we recommend **that appropriate modules for the teaching of non-religious based ethics be developed so that an alternative is made available for those students who do not wish to be taught religious education.**

8.2 Control of Content

The Newfoundland-Labrador Human Rights Association does not oppose the delivery of religious education by the Department of Education. However, **we cannot agree to the primary role provided to the Churches in the development and provision of religious education (recommendation 23).**

While there may be an advisory role for the Churches, it is a commitment to professional and pedagogic standards which should be the main factor in determining content and delivery. As with all other aspects of education and curriculum development, a system of consultants and religious education councils needs to be fostered. Linkages with other subjects and, where possible, common modules need to be developed.

8.3 Public Funding

As long as religious education is delivered as defined in subsections 8.1 and 8.2, the Newfoundland-Labrador Human Rights Association can support public funding for this type of education. We feel that both from an academic and from a democratic perspective this position is justifiable.

At the same time, there is one aspect of religious education which cannot and must not be supported by public funds because it involves a form of instruction which is purely within the Churches' domain. This activity can best be defined as religious formation.

8.4 Religious Formation

It is a normal activity of Churches to engage in religious formation. This involves the religious instruction of young people and certain rites of passage. It involves explanations of theories and interpretations unique to that religious body and familiarization with the structure of the Church.

It is our contention, however, that since **religious formation** is directed at the perpetuation of specific religions, **no public funds should be allocated to these activities.** Obviously, we cannot deny nor would we wish to deny access by the Church to its adherents, but we strongly recommend that this be done outside of regular educational curriculum.

In addition, should this activity involve specific expenses then the Churches must pay those costs. In addition, it should be the individual School Councils who will decide the level of collaboration in religious formation.

In summary then, the Newfoundland-Labrador Human Rights Association recommends:

- that religious education be professional and linked to other aspects of the curriculum.
- that religious education be organized and developed into a limited number of pedagogically sound units.
- that the study of ethics be offered as an alternative for non religious students.
- that control of content reside in the Department of Education and involve consultants and a Special Interest Council of Religious Education Teachers.
- that such religious education be publicly funded.
- that religious formation not be funded by public funds, either directly or indirectly. These costs must be borne by the Churches themselves.
- that the final decision on the level of collaboration for religious formation activities be decided by the local school council.
- that religious formation occur outside the regular educational curriculum.

9. Pastoral Care

***Recommendation 24** : that pastoral care ministries be established with the following mandate:*

1. *to foster the spiritual growth of students;*
2. *to assist with spiritual and religious activities in schools;*
3. *to provide skilled pastoral counsellors in the areas of individual, group and family therapy; crisis intervention; and grief and bereavement assistance; and*
4. *to provide ethical consultation.*

***Recommendation 25** : that the need to strengthen the role of the church in education through pastoral care ministries be recognized and that school boards co-operate with the churches in developing appropriate pastoral care models for implementation.*

NEWFOUNDLAND-LABRADOR HUMAN RIGHTS ASSOCIATION'S RESPONSE:

The Commission of Inquiry directed a challenge to the Churches to develop a new role for themselves in the educational system. *It is our position that pastoral care should be provided outside of the educational system.*

Pastoral care must be viewed as a system of support for adherents of a particular faith operating parallel to, and complementary to the established counselling services. We must emphasize that pastoral care cannot replace the present system of school counsellors.

The Newfoundland-Labrador Human Rights Association recommends that, in a publicly funded educational system, professional employees be entrusted with the responsibility of providing high calibre counselling services to deal with the type of societal problems identified by the Royal Commission of Inquiry. In no way should this responsibility be contracted to, or passed on to, the churches, nor should such institutions be invited into the school system to deliver such services.

Student counselling is a necessity and one which requires a high priority. For this reason the Newfoundland-Labrador Human Rights Association recommends that government pursue a policy of improved training for counsellors. This should include the university level as well as expanded in-servicing. In addition, more resources should be made available so that adequate services can be provided to students.

Our specific objections to the pastoral care recommendations are as follows:

Firstly, pastoral care is a service which, by its very nature, is intended to serve specific groups, and to fund such care out of the public purse implies a discrimination in favour of religiously oriented individuals at the expense of those who are non religious or who do not agree with public support for religious activities.

Secondly, the Association recognizes that, in a time of fiscal restraint, allocation of public funds for educational services must be done on a rational basis. It is our fear that any funding for pastoral care will occur at the expense of regular counselling, an already seriously underfinanced component of the educational establishment.

Thirdly, counselling and pastoral care are highly sensitive and professional fields. The lack of provincially accepted professional standards for pastoral care workers would mean that, in the proposed system, young people would be placed in the hands of individuals who will probably not be competent to deal with their needs.

Fourthly, most individuals who would be involved in pastoral care would be members of the clergy or laypersons involved in religious formation. Thus, there is a danger that pastoral care would become a means of religious instruction appropriate to a church environment but not to publicly funded educational institutions.

Finally, the Association objects strongly to the relationship between the Denominational Policy Commission and the provision of pastoral care. The main mandate of the Commission is to advise government on educational policies which affect the rights of denominations. This advocacy role is not compatible with implementing services such as pastoral care in the educational establishment.

In conclusion therefore, the Newfoundland-Labrador Human Rights Association opposes the introduction of this special role in the educational system for the enumerated denominations. Rather we encourage the denominations to develop pastoral care systems, based on their own active

membership including the youth. Thus they can provide services from a church, temple or parish base, outside of school time and to those in need of specialized religious based counselling.

10. PRIVACY AND STEREOTYPING

***Recommendation 159** : that parents be encouraged to inform school authorities when separation and divorce are occurring, so that schools and teachers may be aware, supportive and responsive to students' needs, and understanding of their behaviour.*

***Recommendation 160** : that schools be encouraged to co-operate with community agencies which are able to help these children.*

NEWFOUNDLAND-LABRADOR HUMAN RIGHTS ASSOCIATION'S RESPONSE:

The Commission of Inquiry makes two recommendations (159 and 160) which the Association supports in principle. Both use the key phrases "*that parents be encouraged to inform school authorities when separation and divorce are occurring...*" and "*that schools be encouraged to co-operate with community agencies which are able to help these children.*"

Obviously the principles involved in these recommendations are laudable but we have a strong reservation based on our fear that many individuals would stereotype children and families in these situations. Furthermore, once "*the authorities*" have been notified, this information would permanently remain on the child's records. It is questionable whether this is a desirable action.

It could also be argued that children in abusive situations, especially when the parents stay together despite the fact that there are serious difficulties, are equally, if not more, in need of special support and assistance. To assume that only children involved in divorces require a special understanding of their behaviour does not go far enough in recognising the complexities and stresses of modern society.

It is our contention that many of the behavioural problems of students and the inability of teaching staff to deal with them is made worse by a lack of communication between parents and teachers. This situation is further aggravated by the fact that there are too many students in the classroom.

It is for this reason that we would recommend that more attention be placed on lowering the teacher student ratio and that more teaching aides be made available to the teachers. In addition, the Association feels strongly that all efforts must be made to foster trust between parents and teachers. We feel that it is important that teachers be informed of family situations that might influence the child's behaviour in the class, but we are not convinced that this should involve reporting to the school authorities.

Formal *identification to school authorities* (recommendation 159) will probably only result in the labelling of children rather than being a real contribution to helping them cope. In addition, it still leaves a major group, those who are in abusive situations, who will not be identified.

The Newfoundland-Labrador Human Rights Association bases its reservations on the appropriateness of these recommendations on the fear that reporting to *authorities will lead to stereotyping*.

The Association recommends:

- that recommendations 159 and 160 be rejected on the grounds that they are both impractical and that the unintended repercussions could be harmful to individual students.
- that the teacher student ratio be lowered to facilitate real communication between parents, teachers and students.
- that every effort be made by the school authorities to encourage parent-teacher interaction and communication so that parents will feel comfortable in informing teachers about home situations that might influence class behaviour.
- that confidential information volunteered by parents not become part of students' permanent records.

11. DISABILITIES - BEHAVIOUR

Recommendation 142 : that schools be empowered to refuse access to students who regularly disrupt the learning environment.

Recommendation 143 : that the Department of Education make provision for school boards to explore the establishment of alternative classroom settings for students who have difficulty maintaining acceptable behaviour in the regular school settings, that those settings would be oriented to preparing students for re-entry to the regular classroom and, that these settings meet all basic curricular assessment requirements.

Recommendation 171 : that the effectiveness of different models of special education and of different components of these models (i.e. segregated special education classes, full integration, partial integration, use of student assistance, role of the special education specialist) be evaluated, considering the learning needs of both children with exceptionalities and others in the classroom and school.

Recommendation 172 : that an impartial review of special education policy be undertaken with a view to examining (a) the appropriateness of existing policy in light of the requirements of special-needs students and other, (b) adequacy, allocation and utilization of resources, (c) the education of classroom and special education teachers, (d) the quality of junior and senior high school programs for special-needs students, (e) the role of

student assistants, (f) classroom factors such as class size, layout and design, (g) the roles of guidance counsellors and educational therapists, (h) the ways teachers are supported to work with diverse needs within classrooms, (i) parental perspectives on the program planning process and how this correlates with the extent and quality of their involvement, and (j) the need for and effectiveness of alternative placements for students whose behaviour jeopardizes the learning of others in the classroom.

NEWFOUNDLAND-LABRADOR HUMAN RIGHTS ASSOCIATION'S RESPONSE:

Discrimination based on disability is prohibited in our society. In addition, we have universally accepted the concept and law that every child has a right to education. It is, therefore, a major problem for the Newfoundland-Labrador Human Rights Association to accept recommendation 142 which would empower schools to refuse access to students who regularly disrupt the learning environment.

We recognize, however, the need of other children to receive an education in an environment free of disruption. The problem therefore lies in striking a balance between needs.

Our first observation is that the present high teacher-student ratio is not conducive to a proper educational situation. A lowering of this ratio would result in better communication and learning environments.

Secondly, many of the children who disrupt the learning environment on a regular basis do so because of causes beyond their control. Attention Deficit Disorder, undiagnosed audio and visual problems, dyslexia and similar reading and writing handicaps can cause children to behave in such ways that disrupt the classroom. Expulsion and permanent deprivation of education is a harsh and cruel punishment.

It is true that in subsequent recommendations (143, 171 and 172), the Commission of Inquiry attempts to grapple with solutions on how to deal with students with behaviour problems. The Association can support these recommendations since, in fact, they are alternatives to recommendation 142.

It is therefore the Newfoundland-Labrador Human Rights Association's position that recommendation 142 be deleted and replaced with a recommendation that children with learning disabilities who regularly disrupt the learning environment be provided with alternate schooling appropriate to their situations.

12. SUMMARY OF RESPONSES TO SPECIFIC RECOMMENDATIONS

Modified Denominational System

- A "modified" denominational educational system is not appropriate to the latter part of this century and for a pluralistic society searching to cope with a challenging global environment.
- The majority of the Newfoundland population desires a public school system. The Commission of Inquiry itself states that the majority of people "**would prefer to switch to a non-denominational system from the status quo**".
- The Association disagrees with the conclusion of the Commission of Inquiry that, because the majority holds a less rigid view on certain questions, there exists a justification for recommending a modified denominational system.
- The Association feels strongly that a commitment to an undefined set of principles such as Judeo Christian is extremely ill-advised and will lead to a philosophical straight jacket which we will all regret because it will give a role to the Churches where they will have a power to enforce their own interpretation of what constitutes Judeo Christian principles.

Denominational Policy Commission

Functions:

- to advise Government
- to advise School Councils assuming there is no linkage with the proposed School Planning and Construction Board

Membership:

- that the selective nature of membership must be removed and that participation be opened to Denominations not presently enumerated in the Schools Act.

School Planning and Construction Board

Appointments and Membership:

- that appointments to the Board be the responsibility of the government and not the Denominational Policy Commission.
- that provisions be implemented for public scrutiny of candidates, fixed terms of appointments, and adherence, by Board members to the terms and conditions of long term planning.
- that appropriate professional and community groups participate in nominating candidates for the Board

- that government ensure that membership be representative of a broad spectrum of interest and user groups.
- that long term plans be developed and debated in public. Once accepted, Board decisions must reflect these guidelines.

School Councils:

- that guaranteed Church representation not be included in the composition of the School Councils.
- that representation of the Churches be permitted only if School Council memberships invite Churches to participate as part of the community organization sector.

Religious Education

Structure:

- that religious education must be professional and linked to other aspects of the curriculum.
- that religious education must be organized and developed into a limited number of pedagogically sound units.
- that the study of ethics must be offered as an alternative for non religious students.
- that control of content must reside in the Department of Education and must involve consultants and a Special Interest Council of Religious Education Teachers.
- that the religious education be publicly funded only if it meets the above criteria.

Religious Formation:

- that religious formation should not be funded by the public, either directly or indirectly. Its costs must be borne by the Churches themselves.
- that the final decision on the level of collaboration for religious formation activities must be decided by the local school councils.
- that religious formation be carried out outside the regular educational curriculum.

Pastoral Care

- that in a publicly funded educational system, the authorities have the responsibility to provide high calibre counselling services to deal with the type of societal problems identified by the Royal Commission of Inquiry.
- that this responsibility cannot be contracted out to the churches, nor can such institutions be invited into the school system to deliver such services.
- that pastoral care is a service that will be used by only a specific group and to fund this out of the public purse implies a discrimination in favour of religiously oriented individuals.
- that allocation of public funds for educational services must be done on a rational basis and funding for pastoral care will be done at the expense of regular counselling.

- that the Association opposes the introduction of a special role in the educational system for the churches. Rather we would encourage the denominations to develop strong pastoral care systems, based on their own active membership. Thus they can provide services from a religious base, outside of school time to those needing religious based counselling.

School Guidance Counsellors:

- that government implement improved training of counsellors. This includes better training at the university level as well as expanded in-servicing.
- that more resources must be made available so that adequate services can be provided to the students.

Privacy and Stereotyping:

- that the recommendation that school authorities be informed of divorce be rejected on the grounds that it is both impractical and that the unintended repercussions could be harmful to individual students.
- that the teacher student ratio be lowered to facilitate real communication between parents, teachers and students.
- that every effort be made by the school authorities to encourage parent-teacher interaction and communication so that parents will feel comfortable in informing teachers about home situations that might influence class behaviour.
- that confidential information volunteered by parents not become part of students' permanent records.

Disabilities - Behaviour:

- that recommendation 142 be deleted and replaced with a recommendation that children with learning disabilities who regularly disrupt the learning environment, be provided with alternate schooling appropriate to their situations and where adequate support and treatment can be made available.