



## **The Future of Public Education in Saskatchewan**

Public Section, Saskatchewan School Boards Association

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It's time to talk about public education in Saskatchewan. It's time to talk about the value we, as a civil democratic society, place on an education system that is accessible to every student in our province. It's time to talk about our vision for the future of public education. Given recent events, it's more important than ever that we talk.

For the Public Section of the Saskatchewan School Boards Association—a group of 15 public school boards across the province responsible for the education of about 125,000 students—an appropriately funded public education system is the cornerstone of our society; everyone benefits when citizens are educated. Equally important is that public schools are universally open to, and accepting of, every student no matter who they are or where they live.

These fundamental beliefs drive what we do in public school divisions across the province. They also underpin our years-long effort to clarify the mandate of separate schools when it comes to admitting, and accepting funding for, students who are not Catholic, an effort that ultimately went to court in what is referred to as the Theodore case.

The Theodore case is *not* about whether separate schools should exist in Saskatchewan; separate schools are protected in the constitution. What the court was asked to decide was whether the provincial government should be fully funding non-Catholic students who attend Catholic schools.

Our contention is this practice siphons precious resources away from the inclusive public education system, thereby limiting the ability of public school divisions to fully address the educational needs of all students. Religious or faith-based schools set up specifically to educate students of a particular faith start to look more 'public' than 'separate' if they open their doors to everyone, and accept provincial funding for students who are not of that faith. This practice has created two almost indistinguishable education systems, and we need to talk about whether that is good use of Saskatchewan taxpayer dollars.

In his April 2017 decision, Mr. Justice D.H. Layh of the Court of Queens Bench found that government's funding of non-Catholic students in Catholic schools violated two sections of the *Canadian Charter of Rights and Freedoms* pertaining to equality rights and the state's duty of religious neutrality. He also found there is no constitutional right for separate schools to receive government funding for non-minority faith students.

The government and the province's separate school divisions appealed the decision; that appeal is scheduled to be heard in early 2019. Yet even before the legal process has played out, the government passed legislation in May invoking the notwithstanding clause. Called the *School Choice Protection Act*, Bill 89 essentially says that in order to continue funding non-Catholic student who attend Catholic schools, the government will ignore the two sections of the Charter named in Mr. Justice Layh's decision, along with three sections of the *Human Rights Code of Saskatchewan*—right to freedom of conscience, discrimination prohibited in places the public is admitted and right to education.

At the date of this writing, Bill 89 has yet to be proclaimed into law, but we do not believe the Theodore decision is the kind of extraordinary circumstance that warrants a government operating outside the Charter and the Human Rights Code.

Let's let the legal process proceed to its conclusion and focus instead on talking about strengthening inclusive public education in our province. Let's get school divisions and Ministry of Education officials talking about what a smooth transition for non-Catholic students into public schools would look like in anticipation of the legal decision being upheld on appeal.

Even if it is invoked, a notwithstanding clause expires after five years and we will be addressing this issue again. The Public Section believes resolution requires goodwill and attention to what is in the best interest of everyone involved, including Saskatchewan taxpayers. We need to talk about this now so our vision for the future of public education in Saskatchewan is clear.

Bonnie Hope, Chair, Public Section

Norm Dray, Executive Director, Public Section