



REPORT TO

STUDENT ACHIEVEMENT AND WELL BEING, CATHOLIC EDUCATION AND HUMAN RESOURCES COMMITTEE

REQUESTS FOR RELIGIOUS ACCOMMODATIONS 2015

So whatever you wish that others would do to you, do also to them, for this is the Law and the Prophets. Matthew 7:12

Created, Draft	First Tabling	Review
October 28, 2015	November 4, 2015	Click here to enter a date.
Nick D'Avella, Superintendent of Student Success		
INFORMATION REPORT		

Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

The Toronto Catholic District School Board is an inclusive learning community rooted in the love of Christ. We educate students to grow in grace and knowledge and to lead lives of faith, hope and charity



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A. EXECUTIVE SUMMARY

Through the use of a survey and follow-up interviews with school principals, this report outlines the number and type of requests for Religious Accommodation within *Toronto Catholic District School Board* schools up to October 28, 2015. Since 2012 there have been relatively few requests for religious accommodation, including exemptions, and this pattern continues this school year.

B. PURPOSE

1. This report fulfils the obligation articulated in the *TCDSB Religious Accommodation Policy S. 22* that ‘the consistent application of religious accommodation requests will be monitored and reported in an annual report to the Board of Trustees’. (Appendix A)

C. BACKGROUND

1. With 155 schools reporting (i.e., 124 elementary, 28 secondary, 3 elementary/secondary) there have been few requests for religious accommodations. Those schools that have received requests typically receive one request. (Appendix B)
2. A summary of all requests and their accommodation is provided in Appendix B. Accommodations have been made in accordance with the *TCDSB Religious Accommodation Policy S. 22* and with the provisions of the Education Act, Section 42, (11 and 13) (Appendix C).
3. With relatively few requests there is no distinct pattern to the type of requests that are made.

D. METRICS AND ACCOUNTABILITY

The practice of an annual survey of School Principals will continue. Principals will inform Field Superintendents of requests as they arise.

E. CONCLUDING STATEMENT

This report is for the consideration of the Board.

Appendix A

Religious Accommodation S.22

Date Approved: December 4, 2012 – Board	Policy Review Cycle: December 2015	Dates of Amendment:
Cross Reference: <ul style="list-style-type: none">· Catholic Equity and Inclusive Education Policy H.M. 24· Ontario Ministry of Education Policy/Program Memorandum 119, <i>Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools</i> Attachment(s):		

Purpose:

This Policy recognizes that religious accommodation provisions are designed to promote a respectful learning environment for all members of the Toronto Catholic District School Board (TCDSB) consistent with the exercise of the Board's denominational rights under section 93 of the Constitution Act, 1867, and as recognized in section 19 of the Ontario Human Rights Code. The policy identifies the types of accommodations schools can reasonably provide to students and outlines the conditions under which a student's religious beliefs would be accommodated.

Scope and Responsibility:

The policy extends to staff members, students and their families while in attendance at school or engaged at other TCDSB events. The Director of Education, with the assistance of Supervisory Officers and Principals, are responsible for this policy.

Alignment with MYSP:

Living Our Catholic Values

Fostering Student Achievement and Well-being Strengthening Public Confidence

Financial Impact:

Generally, there is no significant financial impact.

Legal Impact:

Policy/Program Memorandum 119 requires school boards to develop an equity and inclusive education policy which, among other things, includes a guideline on religious accommodation in accordance with the Ontario Human Rights Code.

Policy:

The TCDSB is committed to the values of freedom of religion and freedom from discriminatory or harassing behaviours based on religion, and will take reasonable steps to provide religious accommodations within the legal and denominational rights afforded the Catholic school system as per Section 93 of the Constitution Act of 1867. Such accommodations will be provided to staff members, students and their families.

Regulations:

1. The TCDSB supports freedom of religion and an individual's right to manifest his or her religious beliefs and observances. The right to freedom is not absolute, and religious accommodation in TCDSB is carried out in the larger context of the Catholic education system and denominational rights of Catholic schools.
2. The TCDSB will, at all times, seek to accommodate an individual's right to freedom of religion in a manner that not only respects the individual's beliefs, but the principles of the Catholic Church.
3. It is understood that all students registered in TCDSB schools acknowledge that the school community proclaims, celebrates and cherishes its Catholic identity and traditions and that staff will teach the curriculum from a Catholic perspective. At the same time, the school is enriched and is committed to providing an environment that is inclusive, safe and free of barriers based on religion.

4. In respect of religious accommodation, TCDSB acknowledges that all students, in accordance with what the Catholic Church offers in its social teachings and reflective practice, are entitled to their rights and responsibilities under the Ontario Human Rights Code.
5. TCDSB will work cooperatively and take all reasonable steps to provide accommodation to individual requests from students to facilitate his/her religious beliefs and practices.
6. Areas of religious accommodation include, but are not limited to:
 - (a) school opening and closing exercises;
 - (b) leave of absence for Religious Holy Days;
 - (c) prayer;
 - (d) dietary requirements;
 - (e) fasting;
 - (f) religious dress;
 - (g) modesty requirements in physical education; and
 - (h) participation in daily activities and curriculum.
7. Chapels in Catholic schools are specifically designed and furnished in the Catholic tradition for prayer and liturgy, and are not to be considered multi-faith chapels. The chapel is open to all people for individual silent prayer or meditation, but it is not appropriate for non-Catholic liturgies or group prayer to be held in the chapel. In following the general custom of the Roman Catholic Church, non-Catholics are welcome to join in prayers services and liturgical celebrations of the Catholic Church community, while honouring restrictions, such as sharing Holy Communion.
8. Should the need arise, the principal, in consultation with the Chaplaincy team leader, will designate another appropriate space within the school other than a chapel for religious celebrations held by other Christian denominations or faith traditions.
9. Religious Accommodation with respect to elementary students will be made so that it applies to elementary schools consistent with the Admission Policy.

Definitions:

Constitution Act, 1867, Section 93

The general Act created the Dominion of Canada in 1867, and provided powers to the provinces to exclusively make laws for education. Those denominational rights granted to separate (Catholic) schools prior to the Constitution Act would be guaranteed.

Ontario Human Rights Code, Section 19

While the Human Rights Code prohibits discrimination and provides equal treatment for all people in Ontario with respect to a number of categories, Section 19 recognizes that the Code will not be construed to adversely affect any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under the constitution Act, 1867 and the Education Act.

Appendix B

Religious Accommodation Survey: 2014-15 Results

My school is:	Frequency	Percentage of all respondents
Elementary	124	80%
Secondary	28	18%
Elementary and Secondary	3	2%
Total	155	100%

Survey Question: How many students have made requests for religious accommodations thus far in the 2014-2015 school year? (Please note, requests for exemption from religious course of study, from school opening and closing exercises, and from liturgy are all considered “religious accommodations”.)

- 9 schools have received requests for religious accommodations.
- Within the 9 schools, 12 students made requests (one school had 2 students; another school had 3 students).

Each of the nine schools was contacted by telephone. The following requests were described:

- Five students (all Catholic) requested exemption from religious instruction. In four cases, following dialogue with the principal and the appropriate school staff, alternative programming was provided. In one case, the request was withdrawn after dialogue with the principal and the appropriate school staff.
- In three schools, exemptions from school liturgies and prayers were requested. In two of the latter cases, following dialogue with the principal and the appropriate school staff, exemptions were granted (one case involved Catholic students and the other non-Catholic students). In the third case, the request was withdrawn after dialogue with the principal and the appropriate school staff.
- One student requested two clothing accommodations on the basis of religious affiliation and time to pray during the school day. After dialogue with the principal and appropriate staff, the accommodation provided time

for daily prayer and the wearing of religious head covering while maintaining the school uniform.

Appendix C

Education Act, Section 42

Exemption from religious studies

(11) On written application, a Roman Catholic board shall exempt a person who is qualified to be a resident pupil in respect of a secondary school operated by a public board from programs and courses of study in religious education if,

- (a) the person is enrolled in a program that is not otherwise available to the person in a secondary school operated by a public board within the area of jurisdiction of the Roman Catholic board; or
- (b) it is impractical by reason of distance or terrain or by reason of physical handicap, mental handicap or multi-handicap for the person to attend a secondary school operated by a public board. 1997, c. 31, s. 20.

(13) In addition to the exemptions provided for in subsection (11), no person who is qualified to be a resident pupil in respect of a secondary school operated by a public board who attends a secondary school operated by a Roman Catholic board shall be required to take part in any program or course of study in religious education on written application to the Board of,

- (a) the parent or guardian of the person;
- (b) in the case of a person who is 16 or 17 years old who has withdrawn from parental control, the person himself or herself;
- (c) in the case of a person who is 18 years old or older, the person himself or herself. 2006, c. 28, s. 9.)

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90e02_e.htm#BK47