

An Historical Understanding of Key Issues Related to Catholic Education

March 2009



Written by Dr. Robert Dixon
Edited by John B. Kostoff, Director of Education
Dufferin-Peel Catholic District School Board

Our Catholic School Heritage

1. How long have Catholic separate schools been educating Catholic children and contributing to the public good in Ontario?

For about 170 years. In the early 1800s there were separate schools in many cities, towns and townships. In Peel, three separate schools opened before Confederation (1867): St. James in Malton in the 1830s, St. John's Agricultural College (1861) and St. Patrick's (1861), both in Wildfield.

2. Has the Ontario government always supported separate schools?

Yes, as did its predecessor, the United Legislature of Canada East (now Quebec) and Canada West (now Ontario) during its total life from 1841 to 1867. One of the first pieces of legislation it passed in 1841 was the *Common School Act*, with a separate school clause.

3. Why did the United Legislature of Canada East and Canada West keep improving separate school legislation?

It responded to Catholic parents, trustees, bishops and priests, editors of the four Catholic newspapers, members of the business and professional world, all of whom argued for legal and financial rights for separate schools.

4. Was there opposition to separate schools before Confederation?

Yes, as now, there were advocates of one school system. Protestant spokespersons believed in the adequacy of the common (now public) school's basic non-denominational Christianity, which constituted an important element of the common school's religion lessons and their readers. They held that beliefs specific to certain religions should be taught in the churches and homes.

5. Why did Catholics find the non-denominational religious education of the common school unsatisfactory?

Catholics wanted separate schools where all the beliefs of the Catholic Church would be taught, where the pupils would live their faith in a sacramental and community manner in proximity to the parish church and priest, and where religion would permeate the reading, literature and history curriculum. Furthermore, as modern times arrived, the

multiculturalism of the public school's student body necessitated the eradication of the teaching of Christianity.

6. What sacrifices did Catholics have to make to send their children to separate schools?

Because the United Legislature of Canada East and Canada West roughly had consisted of members advocating non-denominational common schools and half were in favour of them, separate school legislation, for about fifteen years, contained three obstacles to their existence:

- (a) Catholics could establish and support a separate school, but had to continue paying common school taxes. Thus, they paid tuition for their children in the separate school;
- (b) The separate school had no permanence of existence. If the local common school board hired a Catholic as one of its teachers, then the separate school ceased to exist. Separate schools kept opening and closing in the early years;
- (c) In the cities the separate school board required the permission of the common school board to open a new or an additional separate school. Sometimes the permission was not forthcoming.
- (d) The legislation required twelve Catholic heads of family resident within a city, town or township common school section. The townships' common school sections were so small that often there were not twelve resident Catholic families.

7. Were these four obstacles removed?

Yes. The United Legislature of Canada East and Canada West in 1853, 1855 and 1863 removed all four hindrances. There was no more double taxation. It did not matter if there was a Catholic teaching in the common school. The separate school board did not need the permission of the common school board to open a new or additional separate school. The number of Catholic heads of family to establish a separate school was lowered from twelve to five. As a result, the number of separate schools grew considerably.

8. What effect did the Canadian Constitution, create in the British North America Act (1867) (now entitled either the Constitution Act or the Canada Act), have on separate schools?

When the Fathers of Confederation came from New Brunswick, Nova Scotia, Canada East, and Canada West to meet in Charlottetown and Quebec, they quickly concluded, in the words of one of the Fathers, Sir Charles Tupper, that "Without this guarantee for the rights of minorities being embodied in that new constitution, we should have been unable to obtain any Confederation whatever."

9. What guarantee for separate schools does the Canadian Constitution still contain?

In 1867 the Fathers of Confederation made section 93(1) part of the Constitution. It states:

Nothing in any such [provincial legislative] Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons [i.e. separate school supporters] have by Law in the Province at the Union.

10. Exactly what separate school rights does section 93(1) guarantee?

Section 93(1) protects all the provisions of the last separate school legislation passed before Confederation, the *Separate School (Scott) Act* of 1863. Among others, the *Act* provided the following rights:

- (a) to form a separate school board with five or more Catholic heads of family resident in a public school jurisdiction;
- (b) to receive government grants equitable with those of the public school system;
- (c) to receive equitable funding;
- (d) to have separate school boundaries enlarged;
- (e) to elect separate school trustees with all the powers of public school trustees.

11. Once section 93(1) was enacted, why did Ontario's separate school supporters continue to suffer financial hardship?

The *Separate School (Scott) Act* of 1863 did not anticipate the creation and/or growth of corporations and public utilities in Ontario, or the creation of public high schools. These two omissions caused over 100 years of financial hardship and inequity for separate school supporters.

12. Why did Catholic parents and students have to pay tuition to attend a Catholic high school after grade ten?

In 1871 the Ontario government passed an *Act to Improve the Common Schools and Grammar Schools of Ontario*. This *Act* abolished common and grammar schools and created public schools for grades one to ten and high schools for grades nine to thirteen. The highest official with the Department of Education, *Egerton Ryerson*, commented that the 1871 *Act* did not affect separate schools. The separate school boards operating secondary school classes carried on, receiving funding from grants and taxes. However,

early in the twentieth century the government passed legislation which forbade a separate school board from offering education beyond grade ten if its boundaries fell partially or fully within the boundaries of a high school district. Thus, all but one separate school board (in Dublin) lost their ability to receive tax or government grant financing beyond grade ten. Furthermore, if a separate school board chose to continue operating grades nine and ten, it received only elementary school grants for them.

13. How did Catholic high schools survive?

Catholic parents and students paid tuition after grade ten. Parental groups raised money from draws, lotteries and school events. Parish priests contributed money from their Sunday collections. Many separate school boards, including Dufferin-Peel, opened intermediate-division (i.e. grades seven-to-ten) schools. With the vital assistance of the religious teaching Orders (which taught in and administered grades eleven to thirteen for little or nothing), the diocese continued to operate private Catholic high schools and opened new ones. In fact, Philip Pocock, the Archbishop of Toronto, decided in 1971 to open one new Catholic high in the archdiocese every year until the government approved tax and grant funding for grades eleven to thirteen.

14. How was the Catholic high school issue resolved?

In 1984, Premier William Davis, edified by the commitment to Catholic high schools of the Catholic community and convinced of the injustice of truncated separate schools, announced that the government would be completing the separate school system to the end of high school. The Supreme Court of Canada unanimously responded to a court challenge against the ensuing legislation by asserting that separate schools before Confederation were operating secondary school education with funding from taxes and government grants and, therefore, section 93(1) of the Canadian Constitution guaranteed the right of separate school boards to administer from junior kindergarten to the end of high school. After almost sixty years of financial sacrifice by the Catholic community, Catholic high schools once more became an equal partner in Ontario's publicly funded school system.

15. Catholic separate schools had a second obstacle to their survival. How serious a problem for separate school boards was the corporation tax issue?

This was very serious. As corporations like the Ford Motor Co., Inco, the Royal Bank of Canada and thousands of others came on the scene, and as public utilities like the Ontario Hydro and the Canadian National Railway were created, they could not pay separate school property taxes. Thus the assessment of urban public school boards became wealthier and wealthier, while separate school boards received taxes from only Catholic home and property owners and from fully or partially owned small businesses. By the 1920s urban separate school boards were operating with about one-quarter to

one-fifth of the revenues of their urban public schools boards. There were no compensatory government grants

16. How did separate school boards survive without corporation tax revenues?

The separate school trustees controlled the boards' budgets with more pupils per classroom than in the public schools, with much lower wages, with bare-bones programs, with small playgrounds, and with minimum expenditures for the erection of new schools. These methods still could not balance their budgets. The main contribution for the survival of separate schools came from the religious teaching Orders. They supplied principals and teachers and worked for salaries of \$300 to \$600 a year when public school teachers were earning \$3,000 and up. There is no question that Ontario's Catholics owe today's separate schools to the religious Orders.

17. How was the corporation tax issue finally solved?

In 1962, the Ontario Separate School Trustees' Association presented Premier John Robarts a brief which outlined the probable bankruptcy of some urban separate school boards and the inferior salaries, teacher qualifications, school accommodation, and programs compared with those of the public schools. The government began providing to the separate school boards grants which compensated for their lack of corporate assessment. Separate school boards were able to erect new schools and additions with gymnasiums, libraries, kindergarten rooms, and special education facilities.

18. How did financial inequity return in the 1970s?

With the economic downturn in Ontario, the government began imposing limits to what school boards could spend. If any board wished to exceed the expenditure limit, it would receive no grant to accompany the amount of money spent over the limit. Because the Metropolitan Toronto Board and the Ottawa Board of Education were so rich from corporation and public utility assessment, they received no grants. The other urban public school boards received only a small amount of grants. On the other hand, the separate school boards existed on government grants for 80% to 99%, depending on their amount of assessment. Thus, separate school boards were confined to the government's expenditure ceilings, while public school boards exercised their freedom to spend considerably over the ceilings. Financial inequity returned and remained.

19. How did the Ontario government solve separate school financial inequity?

In 1990, the Supreme Court of Canada judged that the Canadian Constitution's *Charter of Rights and Freedoms* entitles Francophones, where numbers warrant, to their own school boards. French-language district school boards and French-language Catholic

district school boards were created. Consequently, Ontario then had four school systems. Three of them - the English-language Catholic district school boards, the French-language Catholic district school boards and the French-language district school boards - had very little access to corporate assessment. One of them – the English-language district school boards – possessed most of the province’s corporate assessment and, therefore, ability to spend much more than their counterparts on education. Faced with this inequity and a court challenge it was convinced it would lose, the government took the only logical and fair step. It abolished the power of all school boards to tax and took over all education funding. Now each pupil, no matter which type of school he or she attends, receives the same per-pupil funding from the government. After 150 years of sacrifice and hardship, Catholic school boards have achieved financial equity.

20. What has been the history of Catholic education in the Dufferin-Peel Region?

Catholic schools were fundamental in the early development of our region. With the support of local parishes, bishops and parents, Catholic schools were formed as an expression of a world view differing from other schools. In 1837 in Mono Township (Dufferin County), a school was dedicated and housed at St. Cyprian Church. Later, a log church housed a local Catholic school at St Patrick’s in Melancthon Township. In 1864, the first formal Catholic school was developed in Melancthon Township. In Peel, Catholic schools were formed well before confederation as an expression of the Catholic communities developing in our region. A more detailed history of our Catholic education in our region can be found in the book entitled Catholic Education in Dufferin Peel - A Story Worth Telling.

22. What is the current number of Catholic schools in Dufferin Peel?

While Dufferin Peel continues to grow throughout the region, our current population as of 2009 is 87,000 students and an additional 43,000 adult continuing education learners. Our board has 261,645 Roman Catholic electors and the board operates 145 schools, 23 secondary schools and 122 elementary schools. Three additional secondary schools will be operational by 2010. Our board supports 38 Catholic parishes in our region. As an employer we have over 10,000 employees and Dufferin-Peel operates 1,406 buses per day in the region to transport students to and from school.

Final Words

The history of Catholic schools in Ontario since 1841 is one of dedication and perseverance in the face of financial hardship and adversity. Due to the commitment of the religious teaching Orders, the bishops and priests, the teachers, parents, and students, our forebears have handed to us a great gift – a fully funded public Catholic school system.

The courts of Ontario and Canada have reinforced the rights of the Catholic school system with a number of judgments which affirmed the rights of separate school boards to:

- (a) have their guaranteed powers in the *Separate School Act* of 1863 improved,
- (b) receive equitable funding,
- (c) prefer Catholics when hiring elementary and secondary school teachers,
- (d) have their own buildings,
- (e) have an exclusive Catholic school community.

The integration of religious truths and values with life is one of the most significant elements that distinguish the Catholic school from other schools. This is a matter of crucial importance today in view of contemporary trends and pressures to compartmentalize life and learning and to isolate the religious dimension of existence from other areas of human life. The courts have recognized, over the years, that Catholic education is not a subject but rather a way to view the world that speaks to the interrelationship between faith, knowledge and action. The Catholic school is a unique setting within which this ideal can be realized in the lives of Catholic children and young people. In our Catholic schools this reality can and is lived out.