Religion in the Garden Valley School Division

by

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The constitutional changes enacted by the government in 1982 have affected the rights of its individual citizens. The adoption of the Charter, guaranteeing rights and freedoms for every man, woman and child, is causing controversy in school law and is forcing the provinces to re-evaluate their educational policy on a wide range of topics. Benchmark cases dealing with the place of religion in the public school setting such as: 


In *Zylberberg v. Sudbury Board of Education,* parents challenged a regulation in the Ontario Education Act seeking removal of compulsory religious exercises from their public schools. Although the Act permitted parents to exempt their children from the religious exercises, the parents objected to this on the grounds that they infringed on their children’s right to freedom of conscience and religion under Section 2(a) of the Charter. They also argued that only using Christian exercises discriminated against non-Christians and was, thus, against the law.

Case law was established vis-a-vis religious exercises in schools in *Manitoba Association for Rights and Freedoms, Jess Vorst and Ivan Pokus v. The Government of Manitoba and the*
Minister of Education. This case attacked several parts of Section 84 of the Manitoba Public Schools Act by virtue of Sections 2 and 15 of the Canadian Charter of Rights and Freedoms.

The Charter’s adoption has resulted in a greater awareness by citizens of their rights and freedoms as afforded by law. As such, in the field of education, there are more media stories dealing with Charter issues related to teachers, parents, school boards and students. The stories have centered on issues of quality of education to the practice of religion in non-denominational schools. One such case, dealing with religious exercises in a rural Manitoba high school will be discussed in this paper. The author will seek to clarify whether or not the rural Manitoba high school is abiding by the current Manitoba Public Schools Act, and whether Tim Wall, a substitute teacher, is justified in claiming that, “the Garden Valley School Division is not abiding by his rights according to the Charter of Human Rights and Freedoms” (Martin, 2005, p. A4).

Garden Valley School Division (GVSD) is one of the fastest growing school divisions in Manitoba, centered in the city of Winkler. Mexican Mennonites and German immigrant immigration account for 10% of the population growth in the division. The ten schools in the division (four city and six rural) serve roughly 3,200 students in full time attendance. The GVSD is a major employer in the city with over 200 teaching staff, along with 219 support staff, providing the most accommodating educational environment to its students. The board of trustees prides itself on operating a system that reflects the faith and history of the people living within division boundaries. The clear and deliberate emphasis on public education, with a grounding in Christian values is the reason many students attend schools in the division through the schools of choice initiative. The divisional mission statement reads:

**Garden Valley School Division**, in partnership with the home, church and community, is committed to providing every student with the best possible
education, based on clear expectations, positive and caring relationships, Christian principles, in an environment that nurtures the joy of learning (Garden Valley School Division Mission Statement, 2005).

In addition to providing the community with a clear statement of its mission, the board of trustees has also declared 9 fundamental convictions of the school community. They are:

1. WE BELIEVE, Education is a cooperative effort of the home, school, church and community.
2. WE BELIEVE, Every child has the right to an appropriate education.
3. WE BELIEVE, An excellent education will enhance the well-being of society.
4. WE BELIEVE, In educating students to be honest, trustworthy and respectful of others.
5. WE BELIEVE, In creating a school culture of inclusiveness, caring and responsibility.
6. WE BELIEVE, In encouraging inquiry, uniqueness, creativity and openness to new opportunity.
7. WE BELIEVE, The development of character leads people to reach their full potential.
8. WE BELIEVE, Excellence is worth striving for.
9. WE BELIEVE, Learning is a life long process (Garden Valley School Division Fundamental Convictions, 2005).

Garden Valley Collegiate (GVC), a senior 1 to senior 4 school, is the only high school in the Garden Valley School Division and accommodates approximately 950 students, 1/3 of whom are immigrants. The staff roster includes 3 administrators, 58 teachers, 5 support staff, 8 custodians, 28 para-professionals and 3 clinicians. The collegiate offers a Power Mechanics program, a cosmetology lab, an Information Technology program and a Community Child and
Healthcare program. These programs are offered in conjunction with the Red River Technical Vocational Area, a consortium of regional high schools that have joined together to offer a wider variety of vocational education programs to the high school students of southern Manitoba.

Garden Valley Collegiate operates on a five period day with a common lunch hour. At 10:05 am, the morning announcements are read by teachers to their classes, followed by the playing of Oh Canada, a short Bible reading and recitation of the Lord’s Prayer over the public address system. Teachers and students alike are asked to remain standing until their completion. Garden Valley Collegiate is the only school in the division that holds its morning exercises during the school day.

In 1992, the provincial government decided that mandatory religious exercises in public schools went against Sections 2 and 15 of the Canadian Charter of Rights and Freedoms. These sections state:

**Section 2**

That everyone has the following fundamental freedoms:

a) freedom of conscience and religion;

b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

c) freedom of peaceful assembly; and

d) freedom of association.

**Section 15**

Under the heading of “Equality Rights” this section states:

(1) Every individual is equal before and under the laws and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without
discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability (Canadian Charter of Rights and Freedoms, 2005).

Consequently, the government ordered all schools to cease this practice and dictated that all public schools be non-sectarian.

The Administrative Handbook for Schools, released by Manitoba Education and Training in 2000 explains the general responsibilities of schools with respect to the use of religious exercises in schools. It states that, “religious exercises may only occur if a petition is signed by at least 60 parents if the school population is greater than 80 and submitted to the school board” (School Administration, 2005). This poses the first problem with adherence for Garden Valley Collegiate to the regulations. A petition per say is never sent to the school board on behalf of the Advisory Council of School Leadership. Rather, it is referred to as a letter of support because on the back of the school registration form, filled out anew each year, there is a space for parents to indicate whether or not they would like religious exercises to be conducted in the school. Garden Valley Collegiate has never tallied the signatures on the reverse side of the registration forms to determine what percentage of parents are requesting religious exercises.

There are eight general responsibilities in the Administrative Handbook for Schools. They include:

1. Once the petition from parents has been received by the school board, the school board will advise the school to make the necessary arrangements.
2. School boards may advise parents prior to the beginning of the school year of the intent of the law but they cannot initiate the commencement of these exercises in schools and further, schools should play not part in the process.

3. Once the board indicates to a school that they may begin religious exercises, those students whose parents have signed the petition are permitted to participate. It is an opt-in process whereby parents advise the principal if they want their children to attend religious exercises by either signing the petition or sending a letter to that affect to him/her.

4. Petitions are sent annually and by individual schools.

5. Parents dictate what the content of the religious exercises shall be. One school may in fact have several different religious exercises occurring at one time, ie. Buddhist, Christian, Hindu, etc. and the school will be responsible for providing access to such. Parents are also responsible for providing whatever resources are required to conduct the religious exercises.

6. Teachers do not have to supervise the religious exercises. The principal must determine who will supervise and school boards, when hiring, do not have the right to inquire as to whether or not an interviewee is willing to conduct them.

7. Where a school has the right to perform them, religious exercises will occur each teaching day and will be no longer than 10 minutes in length. They are not to be held during regular instructional time. They are to be held either prior to the school day or during noon recess.

8. The recommendation for location is in a large common area where religious exercises can be conducted and students can return to their regular classes. In doing it this way,
it is felt that the separation of participating and non-participating students would be minimized (School Administration, 2005).

Garden Valley Collegiate adheres to parts 1, 2, 4 and 8 of the general responsibilities but falls short in the other areas. In part 3 of the Administrative Handbook for Schools (AHS) for example, since the Bible verse and Lord’s Prayer are broadcast over the public address system, students not wishing to participate have no alternate area to go to and would have to leave the building if their parents did not want them to participate. Further to that part, since no office personnel reviews the forms to determine which parents have signed and which have not, it cannot be absolutely ascertained who has the right to participate. Part 6 of the AHS responsibilities declares that “teachers do not have to supervise” (2005) however, the teacher would have to leave the room and the school (as would a student), and that would leave his/her class unsupervised during that time. The Public Schools Act states that, “teachers shall maintain order and discipline in the school” (The Public Schools Act, 2005). Consequently, arrangements would have to be made to cover that teacher’s class, should they feel uncomfortable participating in the religious exercises. However, it is in part 7 that GVC has the most difficulty with adherence. These religious exercises occur during the school day, during the first morning break. Therefore not “before school or during the noon hour” as the general responsibilities state (The Public Schools Act, 2005). However, because this is not during “instructional time,” GVC may be considered as technically abiding by the responsibilities.

General responsibility seven is where Mr. Tim Wall took issue. A former substitute teacher with Garden Valley School Division, Mr. Wall wrote the Winnipeg Free Press on July 17, 2005 regarding the division’s use of the word “Christian” in its mission statement, the reading of the Lord’s Prayer and recitation of a Bible verse over the public address system during
the school day. The name of the article, written by Free Press reporter Nick Martin was *Worship expelled in Bible belt?* Mr. Wall resides in Winkler. Apparently he was let go from his summer retail position following this article’s appearance in the Winnipeg Free Press. Over the span of a year, Mr. Wall substitute taught in both elementary and secondary schools so he was accustomed to the school procedures. He claimed rightly that Garden Valley Collegiate has a scripture reading over the public address system and that elementary, and middle years schools have teachers read a Bible passage in the classroom.

However, in his approach to the problem, Mr. Wall erred by failing to contact the Garden Valley Teachers’ Association to lodge a formal complaint, by not speaking to the Superintendent Mr. Domino Wilkins, and not expressing his concerns to the school principal Mr. Dan Giesbrecht, as the teacher’s Professional Code of Conduct mandates. Responsibility 8 of the Code states, “A teacher does not bypass immediate authority to reach higher authority without first exhausting the proper channels of communication” (*Code of professional practice*, 2005). When approached by Nick Martin of the Winnipeg Free Press regarding having received complaints of this nature, the Manitoba Teachers’ Society advised the reporter that, “they had not received any formal complaints from members in southern Manitoba schools” (Martin, 1993, p. A4).

On August 3, 2005 another article appeared in the Winnipeg Free Press entitled *Worship Fight has teacher under fire*. Mr. Wall claimed that “people come up to him on the street and say they’ll pray for him” (Martin, p. A4) because of his allegations against the school board. Mr. Wall has asked Education Minister Peter Bjornson to declare that Manitoba’s public school system is a secular system. If Mr. Wall understood the law, he would have known that this was in fact already the case. Except, it appears as though at least one school division in the province
is not abiding by it. The same article also states that, “one of Mr. Bjournson’s aides advised the Free Press that the GVSD is in compliance with the Public Schools Act and that the department staff agree with this claim” (Martin, 2005, p. A4). However, based on Section 84 of the Public Schools Act and the section on religious exercises in the Administrative Handbook for Schools, this can not be the case. Mr. Wall, in the same article, also commented that he “hoped the division would be tolerant and rehire him” (Martin, 2005, p. A4). However on his interview date with the hiring committee (of which the author was a member), he backed out stating that “he was not prepared to work for a division that did not take his civil rights into consideration” (D. Wilkins, personal communication, October 20, 2005). The division has yet to hear from the Minister or Mr. Wall on this matter.

What do the Garden Valley School Division and Garden Valley Collegiate have to do in order to resolve the issue at hand? It is quite clear that the GVSD should really remove the words “Christian” and “church” from their mission statement, despite a homogeneous Christian population living in the community. One would think that a complaint by a city of Winkler citizen would be enough for the school division to be dragged into court on this matter. Apparently this is not the case. Would it be because the Minister of Education does not want to upset a longstanding relationship with a very wealthy and thriving community? Maybe it is because Mr. Wall has not become that angry that he wants to involve the Human Rights Commission. Only time will tell.

As for Garden Valley Collegiate, several changes need to be made:

1. The school administration must arrange for the Bible reading and recitation of the Lord’s Prayer to occur either before the beginning of the school day or at the lunch break.
2. The above should not be played over the public address system.

3. Students wishing to take part should go to a common area such as the gymnasium, since this is the only space that could accommodate the number of students who will take part in them.

4. The Garden Valley Collegiate Advisory Council for School Leadership should begin writing a petition, in lieu of a letter of support as required by the legislation.

5. An annual tally of the number or signatures on the back of the school registration form indicating permission for children to participate in religious exercises should be kept statistically.

   Excluding children from class places pressure on them to conform, so schools should not remove students from classrooms when religious exercises are occurring. The Canadian government ought not and cannot, select from among the religious convictions of its citizens and declare X as the one accorded the honour of inclusion in the school system.
References


