



## **GUIDELINES**

### **Religious Exercises in Public Schools**

On August 13, 1992, the Court of Queen's Bench of Manitoba ruled that mandatory religious exercises were an infringement of sections 2 and 15 of the Canadian Charter of Rights and Freedoms and ordered an end to the practice. Most of the relevant provisions of the *Public Schools Act*, contained within section 84, were struck down. The surviving provisions are as follows:

"84(1) Public schools shall be non-sectarian.

84(8) If a petition asking for religious exercises, signed by the parents or guardians of 75% of the pupils in the case of a school having fewer than 80 pupils or by the parents or guardians of at least 60 pupils in the case of a school having an enrolment of 80 or more pupils, is presented to the school board, religious exercises shall be conducted for the children of those parents or guardians in that school year."

In response to concerns raised by the field regarding the appropriate administrative arrangements necessary to effect the court judgment, discussions aimed at framing a set of guidelines on religious exercises were held between Manitoba Education and Training, The Manitoba Association of School Trustees, The Manitoba Association of School Superintendents, The Manitoba Teachers' Society, and the Home and School/Parent Teacher Federation. General consensus on a number of points was found and these points are outlined in this document as a guide to school administrators. It is the expectation of the Department that school divisions/districts will follow the guidelines closely. Subsection 84(8) can be workable if reasonableness and sensitivity are exercised when devising the arrangements for putting religious exercises in place in schools.

In interpreting subsection 84(8), the following points should be kept in mind:

Guidelines:

1. Religious exercises are to be conducted in a particular school only after the requirements of subsection 84(8) of the *Public Schools Act* have been met, a petition has been directed to the local school board, and the school board instructs that school to make the necessary arrangements.
2. School boards may, for the purpose of communicating information, advise parents/guardians prior to the start of the school year of the provisions of subsection 84(8) of the *Public Schools Act*. Information contained in this document may be shared with parents/guardians to facilitate their understanding of the law, and to explain the process necessary to implementation of religious exercises.



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School boards should not, however, take any action which would be seen to initiate or prompt implementation of religious exercises. The process must be grass-roots driven, with parents/guardians taking the initiative to have religious exercises implemented. Schools should play no role in the petition process, and act on a petition only when so advised by the school board.

3. Once religious exercises are instituted by petition in a school, only those children whose parents/guardians have signed the petition may participate. It is reasonable for schools to advise parents, through school newsletters or other means, that religious exercises are in place in the school and that those parents wishing to have their children participate can do so by notifying the school administrator. (This might mean having the parents come to the school to sign the petition, or indicate consent by sending a signed letter to the school administrator as an attachment to the petition). There should not be an assumption that those parents/guardians who did not sign the petition want their children to participate in religious exercises and can remove their children if they do not want them to participate. It must be an opt-in process.
4. A petition must be received by the school board each school year, and be on a school-by-school basis.
5. The content of any religious exercise must be defined by those petitioning for it. It is important that those persons being approached to sign the petition know exactly what they are being asked to sign, and that the school board clearly understands what is being requested.

Assuming the numerical requirements of s.84(8) are met, it is conceivable that parents of a variety of faith groups could petition for their own religious exercises. In other words, provided the requirements of s.84(8) are met, parents could petition for Buddhist religious exercises, Jewish religious exercises, the traditional Christian religious exercises, or other. Parents/guardians signatory to a petition would be entitled to have their children access such religious exercises, and the school board and school will be required to make the necessary arrangements to implement the exercises. However, the parents/guardians making the petition will be responsible for providing whatever prayer books, literature, etc., are essential to the conducting of the religious exercises.

6. Teachers and other staff are not compelled to conduct or supervise religious exercises. Participation by staff must be voluntary. If teachers and other staff are unwilling to conduct or supervise such exercises, alternate arrangements must be made. This may involve requesting members of the parents' group petitioning for the exercises to conduct the activity themselves. The principal will be responsible for determining the appropriate supervisory arrangements.



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School boards shall not, as part of the hiring or promotion process, inquire of applicants/candidates as to their willingness to participate in, conduct, or supervise religious exercises.

7. Where petitioned, religious exercises are to be held each teaching day, and shall be no longer than ten minutes in duration. The exercises are not to be held during regular instructional time. Instructional time is to be preserved and religious exercises held either prior to the start of the school day or during noon recess.
8. By holding religious exercises before the beginning of regular classes in the morning, or during the noon hour, the separation of participating and non-participating students can be minimized. It is recommended that those participating in religious exercises congregate in a common area (gymnasium, multi-purpose, empty classroom, etc.) proceed with the exercises, and then rejoin their classmates prior to the class which they are scheduled to attend.