

DIVISION: BOARD

POLICY #: GOV-102

POLICY NAME

RELIGIOUS SYMBOLS AND OBSERVANCES

POLICY STATEMENT

The Board maintains that all school facilities in the Newfoundland and Labrador English School District (the “District”) should reflect the current context of the public education system in Newfoundland and Labrador.

BACKGROUND

The Board operates within a non-denominational system and encourages an atmosphere of inclusion, sensitivity to and respect for various religious beliefs. The Board acknowledges the Province’s denominational history and tradition, constitutional obligations and rights, and commitments to denominational authorities. The Board has a responsibility to provide a learning environment that is reflective of the current context of public education. As such, religious symbols on or in school facilities will be governed by this Policy.

Term 17 of the *Terms of Union of Newfoundland with Canada* states:

17.(1) In lieu of section ninety-three of the Constitution Act, 1867, this section shall apply in respect of the Province of Newfoundland and Labrador.

(2) In and for the Province of Newfoundland and Labrador, the Legislature shall have exclusive authority to make laws in relation to education, but shall provide for courses in religion that are not specific to a religious denomination.

(3) Religious observances shall be permitted in a school where requested by parents.

The *Canadian Charter of Rights and Freedoms* states:

- 1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.*

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2. Everyone has the following fundamental freedoms:

(a) freedom of conscience and religion;

15.(1) Every individual is equal before the law and has the right to 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.

The Schools Act, 1997, SNL 1997, c. S-12.2 (the "Act") states:

10 (1) Where a student's parent requests in writing, the principal of a school shall excuse that student from participation in a course in religion or a religious observance conducted in the school.

(2) A parent of a student in a school may request of the school principal, giving the principal reasonable notice, that a religious observance be held in the school.

(3) A principal of a school shall, in accordance with the by-laws of the board, comply with a request of a parent with respect to a religious observance.

84 (4) Where property used for the purpose of education by a board, or funds for the purchase, construction or maintenance of that property, have been provided by a religious denomination and title to the property is vested in a denominational authority, that denominational authority shall, as soon as practicable, enter into an agreement with the board relating to

(a) all matters necessary for the board to manage, maintain, use, equip and improve the property while the property is required by the board for the purpose of education; and

(b) disposition of the property, where the board no longer requires the property for an educational purpose.

The Board is subject to the Agreements dated May 2000 between the predecessors to the Board and the Roman Catholic Episcopal Corporation of St. John's, Roman Catholic Episcopal Corporation of Grand Falls, Roman Catholic Episcopal Corporation of St. George's, and Roman Catholic Episcopal Corporation of Labrador (collectively the "Corporation") pursuant to Section 84 of the Act (the "RCEC Section 84 Agreement"). The RCEC Section 84 Agreement states:

5.1 The Board and the Corporation have the right to require removal of religious artefacts and articles from the Properties. The Board agrees not to remove any religious artefacts or articles from any of the Properties without prior notice to the Corporation. The Corporation will give notice to the Board if it wishes religious artefacts or articles to be removed. The Board will

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have reasonable time from giving or receipt of such notice to arrange removal. Unless the Corporation specifies otherwise, the Board may direct the manner of removal of such artefacts or articles. The cost of removal, if any, shall be borne by the party effecting removal. The Board will provide any religious artefacts or articles removed to the Corporation.

The Board is also subject to the Agreements dated March 16, 2004 between the predecessors to the Board and the Pentecostal Assemblies of Newfoundland pursuant to Section 84 of the Act (the “PAON Section 84 Agreement”). The PAON Section 84 Agreement states:

5.1 The Board and the Pentecostal Assemblies of Newfoundland have the right to require removal of religious artefacts and articles from the Properties. The Board agrees not to remove any religious artefacts or articles from any of the Properties without prior notice to the Pentecostal Assemblies of Newfoundland. The Pentecostal Assemblies of Newfoundland will give notice to the Board if it wishes religious artefacts or articles to be removed. The Board will have reasonable time from giving or receipt of such notice to arrange removal. Unless the Pentecostal Assemblies of Newfoundland specifies otherwise, the Board may direct the manner of removal of such artefacts or articles. The cost of removal, if any, shall be borne by the party effecting removal. The Board will provide any religious artefacts or articles removed to the Pentecostal Assemblies of Newfoundland.

SCOPE

This Policy applies to all schools in the District.

DEFINITIONS

N/A

POLICY DIRECTIVES

1. The Board maintains the general right to determine what religious symbols are appropriate in a school, to determine what symbols are to be placed or removed from a school, and the process for placement and removal.
2. The Board respects the rights of parents and guardians to choose not to have their child participate in a religious observance and to attend schools that are generally free from religious symbols.

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3. The Board acknowledges the rights of parents and guardians to request religious observances under Term 17 of the *Terms of Union of Newfoundland with Canada* and the *Schools Act, 1997*, and nothing in this Policy is to derogate from these rights.
4. **Interior Religious Symbols**
 - 4.1 The Board will comply with any directive of the Corporation or Pentecostal Assemblies of Newfoundland to remove any religious symbols from any school in the District in accordance with Clause 5.1 of the Section 84 Agreement and this Policy.
 - 4.2 The Board will consider any request of any other denominational authority or School Council to remove any religious symbols from any school in the District in accordance with this Policy.
 - 4.3 The Board will not place any religious symbols in schools in the District, other than to comply with its obligations under Section 10 of the Act.
 - 4.4 Removal will generally be effected prior to or at the end of the school year in which the request was received. The Board will not have any obligation to remove a religious symbol where, by the manner of attachment, it is in the nature of a fixture and removal would result in damage to the school requiring significant repair.
5. **Exterior Religious Symbols**
 - 5.1 The Board will comply with any directive of the Corporation or Pentecostal Assemblies of Newfoundland to remove any religious symbols from the exterior of any school in the District in accordance with Clause 5.1 of the Section 84 Agreement and this Policy.
 - 5.2 The Board will consider any request of any other denominational authority or School Council to remove any religious symbols from the exterior of any school in the District in accordance with this Policy.
 - 5.3 The Board will not place any religious symbols on the exterior of schools in the District.
 - 5.4 Removal will generally only be effected in connection with major reconstruction or repair of the exterior of the school. The Board will not have any obligation to remove a religious symbol where, by the manner of attachment, it is in the nature of a fixture and removal would result in damage to the school requiring significant repair. Where an exterior religious symbol is removed for reconstruction or repair, it will not generally be replaced.

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