



Catholic Civil Rights League

Ligue Catholique pour les Droits de l'Homme

26 March, 2007

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The Honourable Shirley Bond,
Minister of Education,
P.O. Box 9045
Station Provincial Government,
Victoria, BC
V8W 9E2

Dear Ms. Bond:

I have not yet received a reply to our letters of 8 February and 14 February, 2007 (enclosed). To reiterate the points made in those letters and in our correspondence with the school districts:

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- The Ministry of Education is not the source of parental authority to supervise and direct the education of their children. The authority of the Minister, teachers and administrators with respect to students is delegated to them by parents, a delegation reflected in the traditional statement that teachers act *in loco parentis*.
- Accommodation of freedom of religion and conscience is a legal obligation, binding on school districts to the point of undue hardship. No direction or policy from the Ministry of Education can relieve school districts of this responsibility.
- The subsisting obligation of school districts to adhere to human rights law requires them to act independently when confronted by the Ministry's *Alternate Delivery: Health and Career Education Curriculum*, which conflicts with that obligation.
- School boards cannot use a defence of 'superior orders' to excuse themselves from their obligation to accommodate, especially since trustees are elected officials and not your employees or agents.
- The Ministry of the Attorney General has not only conceded the existence of the duty to accommodate, but has, in the past, argued that liability for failing to discharge that duty lies with school districts, not the Ministry of Education.

Western Region

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- Your policy on alternative delivery of curriculum purports to prohibit or limit the accommodation of freedom of conscience and religion outside the health and planning curriculum. This amounts to a formal statement of an intention to discriminate that contravene Section 7(1)a of the *BC Human Rights Code*.
- Students are not required to meet “all prescribed learning outcomes” in any course of study. To impose such a requirement with respect to Corren-approved learning outcomes would be inconsistent with educational practice in this province and thus clearly demonstrate an intention to discriminate against objecting families.

Your repeated assertions that “nothing has changed” with respect to alternative delivery of curriculum are not only misleading, but quite beside the point. The real point is that “nothing has changed” with respect to the duty of school districts to accommodate freedom of conscience and religion, even if that means acknowledging parental authority to withdraw their children from objectionable lessons or classes in *any* part of the curriculum.

Should you have a different view of this, I invite you or the Attorney General to publicly and unequivocally state that Ministry directives have relieved school districts of this duty.

Sincerely,

Sean Murphy, Director
CCRL Western Region

cc: BC School Superintendents’ Association
BC Principals’ and Vice-Principals’ Association
BC Confederation of Parent Advisory Councils
BC School Districts and DPACs

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