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Board runs afoul of Education Act with prayer services

July 8, 2011

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KRISTIN RUSHOWY AND LOUISE BROWN

EDUCATION REPORTERS

Public schools that allow formal prayer services during the day are breaching Ontario's Education Act, say critics and education experts.

The Toronto District School Board has been embroiled in controversy for allowing an imam to conduct Friday prayer services for Muslim students in the cafeteria at Valley Park Middle School. It argues freedom of religion under the Charter of Rights trumps the Education Act.

"As a public school board, we have a responsibility and an obligation to accommodate faith needs," education director Chris Spence said Friday.

But one prominent constitutional lawyer said Charter cases have found just the opposite — that religion has no place in public schools.



At Valley Park Middle School, Muslim students participate in the Friday prayer service. Menstruating girls, at the very back, do not take part.

JOHN GODDARD/TORONTO STAR

Meanwhile, others have said if compliance with the act is an issue at Valley Park, that's easy to address.

"I trained students from Lester Pearson Collegiate near our centre in Scarborough to do that and they've been running their own Friday service for years," said Shaikh Yusuf Badat, imam of the Islamic Foundation of Toronto and director of religious affairs.

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"They'll write sermons about things like honesty and I provide the readings for them from the Qu'ran. There are no hard and fast rules about it having to be led by an imam, and if there are concerns about an outside person coming in, even a Grade 8 student can be trained to deliver a sermon," he said, adding it would have to be a male.

Valley Park's prayer services, which until recently operated without complaint, have raised a debate about the place of religion in an increasingly diverse public system. One Hindu group plans protests, and the progressive Muslim Canadian Congress is contemplating legal action to force the board to comply with the Education Act.

"Charter cases have said . . . you cannot accommodate the desire for prayers or religious instruction in a public school," said constitutional lawyer Ed Morgan, of the University of Toronto.

Something after school, or on weekends, would be fine, he added.

But Muslims must pray at a certain time on Fridays so "we have the duty to accommodate," said board superintendent Jim Spyropoulos.

The prayer services have also raised the issue of gender rights. One Toronto trustee is concerned about girls being forced to sit at the back of the room, adding the board's gender equity policy "should be respected."

Trustee Michael Coteau doesn't oppose the services but believes the board needs a transparent, consistent policy about what's allowed given the "mixed messages" of the Education Act, the Charter and human rights code.

Ontario's Education Act states that "a board shall not permit any person to conduct religious exercises or to provide instruction that includes indoctrination in a particular religion or religious belief in a school." An exemption is allowed if conducted outside of school hours.

Education Minister Leona Dombrowsky was unavailable for comment despite repeated requests from the *Star*.

On Friday, her spokesperson said while boards must be "sensitive to religious beliefs . . . it is also important for them to continue the conversation with all parties involved to ensure the accommodations continue to work for both the school and the community."

Earlier this year, the *Star* visited Valley Park to observe the prayer service, which runs every Friday from November to March for 30 to 40 minutes during class time after lunch.

Volunteers erected barriers dividing the cafeteria. Boys entered at the front, removed their shoes, forming rows four deep. Girls entered at the back, removed their shoes, donned head scarves and shawls to cover their heads and arms, and assembled behind the barrier.

Menstruating girls sat at the back, permitted to listen but not take part.

The service is conducted in Arabic and the school does not monitor what is said.

About 300 to 400 of Valley Park's 1,200 students take part in the Friday ritual, which parents requested three years ago. Prior, students left school to go to a nearby mosque, but some didn't make it there and many never returned to class.

The school service was seen as a way to save the lost instructional time and address safety concerns.

"We have people asking what accommodation we provide for Christian students, but the system is set up to accommodate Christian students; Christmas and Easter are already holidays," said local trustee Gerri Gershon.



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Sunday Blues

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"Whatever we can do to accommodate the needs of students of other religions, we should do."

But Tarek Fatah, founder of the Muslim Canadian Congress, said students praying on their own would be fine.

"We believe Islam does not make (Friday prayers) compulsory" because they can be postponed until later in the day, Fatah said, adding his group is also opposed to the treatment of the girls.

Education lawyer Stephen Birman said the school could easily comply with the Education Act by having students who want attend the service do so during lunch or spare period.

The Peel public board, which also serves a significant Muslim population, allows students to miss class for private or small group prayer, but does not permit religious leaders to conduct services.

At least six York Region schools allow students to attend Friday prayers on school property during lunch period so they don't have to leave to worship and maybe not return.

With files from John Goddard

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Very Troubling

Sadly, we're witnessing the erosion of our Christian foundations. At a phenomenal rate!
Submitted by Firhurst at 7:02 PM Sunday, July 10 2011

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@alfarooq

You said ..."This is the most modest way of preserving our sisters in Islam." What do you mena? Preserving them for what?
Submitted by superpeach at 5:36 PM Sunday, July 10 2011

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@fyi

If you're on the level ,my dear,I do thank you for your reply.I personally don't know any girls or women who would like to advertise their 'time of the month'.In fact,they would resent any remarks on that topic.It is not considered shameful but private.
Submitted by agrippina at 2:06 PM Sunday, July 10 2011

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After reading the article "Board Runs Afoul of Education Act with Prayer Services"; disappointed with certain portions of the article. Prayer rituals & how girls participate in their congregation were portrayed by this article in a negative incomplete light. Especially negative in the sense that the female students' voices are missing! It was never made clear in the article that these students are not being forced to sit in the back! Rather, that is how various others; including Muslim taxpayers pray in congregation. Lastly, would also like to draw attention to the incorrect statement "The service is conducted in Arabic & school does not monitor what is said". Only



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