

PUBLIC FUNDING OF RELIGIOUS PRIVATE SCHOOLS



**Discussion Paper and Recommendations
of the Quebec Liberal Party's
National Policy Committee**

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1. Summary of Events

On October 24, 2024, the Members of the National Assembly (MNAs) from the Quebec Liberal Party (QLP) voted in favor of a motion presented by the Parti Québécois, which stated, among other things, that the National Assembly “calls on the government to put an end to public funding of religious schools.”

Although the motion was ultimately defeated, the vote by Liberal MNAs sparked discussions among QLP members. For this reason, while respecting the decision taken by the parliamentary wing regarding the motion, the QLP’s National Policy Committee decided, on October 26, 2024, to conduct an in-depth reflection on the issue. The Commission committed to reporting its findings to the Party no later than March 31, 2025. This document is the result of that process.

In a joint statement published on October 26, 2024, QLP interim leader Marc Tanguay, QLP president Rafaël Primeau-Ferraro, and National Policy Committee president André Pratte welcomed the Committee’s initiative “very favorably”:

“It is healthy and normal in a major party like the Quebec Liberal Party to conduct such in-depth reviews in order to discuss the multiple dimensions of such a complex issue.”

The reflection was carried out primarily by a working group established by the National Policy Committee. This working group was composed of the following individuals:

Co-chairs:

- Alexandra Malenfant-Veilleux
- André Pratte

Members:

- Narjisse Andaloussi
- Reda Bahrawy
- Michel Bienvenu
- Maxime Binette
- Antoine Dionne Charest
- Richard Leonard
- Mona Louis-Jean
- Larry Markowitz
- Zachary Rivard
- Patrick Shea
- Christian Simard
- François Villeneuve

2. What Do We Mean by “Religious Schools”?

2.1 - Multiple Models

From the outset of this debate, a key challenge has been defining what we mean by “religious schools.” Throughout our discussions, it became clear that there are several different models of such schools. For simplicity, we have identified three main categories:

1. Schools with a religious heritage;
2. Schools that offer religious courses;
3. Schools that provide religious activities outside regular school hours.

Category (1) includes schools that have moved away from religious instruction to adopt a fully secular model while preserving certain elements of their historical identity (e.g., name, building, religious community representatives on the board of directors, etc.). These schools fully comply with the curriculum set by the Ministry of Education.

Category (2) includes schools that provide religious instruction during school hours. Within this category, there are two distinct cases. In the first and most common case, schools fully comply with the Ministry of Education’s curriculum, with religious instruction added to the regular schedule, resulting in longer school days for students. In the second case—currently understood to be rare exceptions—some schools do not adhere to the Ministry’s curriculum but are tolerated by the government, which attempts to guide them toward full compliance.

Category (3) would include schools where religious instruction occurs exclusively outside of regular school hours (e.g., evenings and weekends). However, our research did not identify any such schools.

The Ministry of Education does not maintain a registry of religious schools in Quebec. How, then, can one determine whether a school is “religious” and, if so, to which category it belongs? The only way is to gather information directly from each school, such as by consulting its website. Another option is to check the Canada Revenue Agency (CRA) registry, as some of these schools are registered as charities with the federal government. In theory, this status allows them to issue tax receipts for the portion of tuition fees allocated to religious instruction (see below). However, this classification can be misleading, as we found schools listed with the CRA that neither provide religious instruction nor issue tax receipts.

2.2 - What Are the Obligations of Religious Private Schools? (Private Education Act)

The Private Education Act does not distinguish between "ordinary" private schools and those referred to as "religious" private schools.

All private schools must hold a permit issued by the Ministry of Education of Quebec. Moreover, to receive public funding, a private school (whether religious or not) must obtain "accreditation" from the Ministry. In granting this accreditation, the Minister must consider, among other things, "the alignment of the school's objectives with the policies of the Minister or the government."

The Private Education Act (Section 25) stipulates that "the applicable educational regime (...) is the same as that set forth under the Education Act," meaning it follows the curriculum used in public institutions.

2.3 - The Minister of Education's Powers Over Private Schools

The minister may revoke a permit or accreditation if the institution no longer meets the conditions specified in its permit.

The minister may also withhold or cancel subsidies granted to a private school «in case of refusal or negligence to comply with the conditions, restrictions, or prohibitions related to the institution.»

Thus, if a school fails to meet the conditions set by the government, particularly those regarding compliance with the educational framework, the minister has significant powers to bring it back in line, to cease its funding, or even to terminate its legal existence.

It is important to note that the obligation to provide instruction in French, as prescribed by the Charter of the French Language, applies "to private educational institutions accredited for subsidies under the Private Education Act" (Article 72), meaning subsidized private schools.

Non-subsidized private schools are not subject to the requirement for instruction in French under Bill 101.

3. What Really Happens in Religious Private Schools?

3.1 – Federation of Private Education Institutions

According to a recent in-house survey conducted by the Federation of Private Education Institutions (160 out of 210 schools responded), 85% of member schools are secular corporations (registered under the Companies Act), while 15% are registered under the Religious Corporations Act. Of the latter 15%, 65% no longer teach religion, while 25% have religious elements in their curriculum. Finally, of this 25%, only one in two teaches religion as part of the academic curriculum. This suggests that only a small number of schools fit this profile.

3.2 – Quebec Jewish Schools Association

The Association includes 15 primary and secondary schools. These schools fully adhere to the curriculum mandated by the Ministry of Education, including the new program on Quebec culture and citizenship, which covers sexual education.

In addition to the Quebec Education Program, Jewish schools offer 'Jewish studies' courses, which include elements of religion, culture, literature, language, and history. These courses supplement the Ministry's curriculum, meaning students at these schools spend more time in class than those in public schools.

The "Jewish studies" component is not funded by government subsidies but is financed through tuition fees paid by parents. Government funding only covers the Ministry's curriculum. In these Jewish schools, government funding covers less than half (47%) of the cost of educating students.

3.3 – Discussions with Schools

In addition to interviews with representatives from these two associations, the working group contacted about twenty randomly selected schools from various faith backgrounds. A dozen of these schools agreed to answer our questions, while several others declined out of concern for being entangled in partisan politics.

To obtain a larger sample, we also reviewed the reports from the Private Education Advisory Commission for the past three years, which include evaluations of the practices of several dozen private institutions, both religious and non-religious.

The school administrators we spoke with requested that we not publicly mention their institutions' names. In summary, the key points emerging from these discussions are as follows:

- Several schools identified as religious due to their name, history, governance under the Religious Corporations Act, or registration with the Canada Revenue Agency (CRA), no longer teach religion. In other words, the criteria commonly used by the media or other observers to identify religious schools are no longer sufficient. This is why it is urgent for the government to create an accurate and thorough profile of religious education in schools across Quebec, as requested by the Official Opposition in the National Assembly.
- In schools where religion is taught, religious education is added to the Ministry's curriculum. Students at these schools therefore spend more time in class than their peers in public schools.
- In certain cases, which seem to be exceptions but must be considered seriously, the teaching of religion comes at the expense of the Ministry's educational program. One such example is the Belz Community School.

3.4 - The Case of Belz Community School (Montreal)

Belz Community School, located in Montreal, is one of the few private schools for which the Private Education Commission recommended that the Minister of Education not renew its permit and accreditation after numerous warnings and even the withholding of subsidies for at least a decade.

The Commission highlights, among other things, that "the time allocated to the mandatory subjects is not respected for a significant portion of educational services. Additionally, in the second cycle of secondary education, no elective courses are taught, except in the 5th secondary for girls' groups, where only two out of eight to twelve prescribed units are offered." Moreover, "the preschool, primary, and secondary report cards require modifications, especially regarding the course titles and codes."

An inspection visit by the Ministry of Education revealed that "16 members of the teaching staff, whose names do not appear in the Ministry's system, were working with students without having the required teaching authorization, and no steps had been taken to rectify their situation."

Despite the recommendation from the Private Education Commission, Minister of Education Bernard Drainville decided to renew Belz Community School's permit and accreditation.

4. The Issue of Tax Credits for Charitable Organizations

On October 25, 2024, columnist Francis Vailles from *La Presse* revealed that a dozen private schools in Quebec were able, due to the Canada Revenue Agency's jurisprudence, to issue tax receipts not only for donations received but also for a portion of tuition fees paid by parents.

"More specifically," Vailles writes, "parents can receive a 53% tax credit for the portion of tuition related to religious education – which is quite significant – effectively reimbursing them about half of those fees. This advantage is not granted to parents of secular schools."

"These tax-relevant tuition fees represent an income of \$25 million per year for the 11 schools combined. Additionally, there are \$29 million in other contributions from parents and donors that also entitle them to tax refunds."

Normally, a fee (tuition) paid in exchange for a service (educational services) is not considered a donation. However, following the interpretation of the Canada Revenue Agency, tuition fees paid for religious education are an exception to this rule: "For several years, the Ministry has not considered religious instruction provided by parochial schools as a service, which results in part of the payments made by parents for their children's education being deductible as a donation to a charitable organization."

However, Revenu Québec does not share the same interpretation. Therefore, the Quebec government does not offer tax credits for tuition fees related to religious instruction.

5. Stopping Public Funding for So-Called Religious Private Schools

Arguments in Favor of Stopping Funding:

- For proponents of ending public funding for religious private schools, this measure would simply align with the secular nature of the state, a core value in Quebec.
- Religion should have no place in schools; religious education should take place at home or in places of worship.
- Removing religious education would better ensure the protection of gender equality.
- In response to the argument that stopping subsidies would decrease the Ministry of Education's control over these schools, it is pointed out that any private school must obtain a permit from the Ministry, and the Ministry has the power to revoke this permit if the school does not comply with the official curriculum.

Arguments Against Stopping Funding:

- According to some legal experts, halting public funding for schools solely based on religious education would be discriminatory under both the Canadian and Quebec Charters of Rights and Freedoms. As the Supreme Court of Canada stated in the case of *Loyola v. Quebec* (2015), "A secular state respects religious differences; it does not seek to erase them."
- According to the leaders of many of the schools classified as "religious," many of their students would be redirected to public schools, as parents cannot afford higher tuition fees. Does the public sector have the capacity to accommodate these hundreds of additional students?
- Religious private schools are an essential pillar for many communities.
- Without public subsidies, some of these schools would attempt to continue operating. However, their annual budgets would be much lower (unless the school has a sufficiently wealthy clientele to support the increased tuition fees to replace the subsidy), and the quality of education would likely decrease.

6. Principles to Follow

To provide recommendations to the Quebec Liberal Party, we drew inspiration from the QLP's history, the interventions of members from the parliamentary wing at the National Assembly, including Marwah Rizqy and André Morin, the three principles stated by our leader, and the values that are particularly important to us as Liberals:

- **The secular nature of the Quebec state**, which dictates that the Quebec government should neither promote nor favor any religion, just as it should not condemn one religion or another.
- **Gender equality**, a principle strongly defended by the Official Opposition spokesperson on education, Marwah Rizqy, during debates in the National Assembly on October 23, 2024: "We must be protectors of gender equality, regardless of religious beliefs."
- **Equity**, which dictates that all young Quebecers have the right to the same basic education, as described by the Quebec Education Program (PFEQ) and applied to all educational institutions, whether public or private.
- **The right of parents to choose their children's school**, which includes the right to choose a private school, whether secular or religious (Articles 41 and 42 of the Quebec Charter of Human Rights and Freedoms), provided that the PFEQ is fully taught, as prescribed by the Education Act and the Private Education Act.

Following the vote on the motion presented by the Parti Québécois calling for the end of public funding for religious schools, QLP leader Marc Tanguay clarified the party's position with three additional principles:

- Public money should not be used to teach religion;
- The school must teach and respect the entirety of the curriculum;
- There must be a dialogue with each institution involved.

Members of the working group formed by the National Policy Committee to study the issue believe that, of these three principles, the full respect of the educational curriculum should be given particular importance. The question is less about whether a religion is taught in a given school than whether the Quebec Education Program is being fully taught. In other words, the state should not intervene because a religion is being taught (which should continue to be permitted under the right of parents to choose their children's school), but the government should act decisively when religious education comes at the expense of the general education of students.

6.1 - A Minority of Problematic Schools

From its research, the working group concluded that the number of problematic schools, i.e., schools that offer religious education but do not respect the educational regime, is relatively small. This does not mean that it is not urgent to act, but it allows the issue to be kept in perspective.

6.2 - No Public Funding for Teaching Religion

The funding formula for private schools means that these institutions receive, on average, 60% of the cost of educating students in public schools. In other words, this public funding does not cover the full cost of teaching the educational curriculum prescribed by Quebec. Therefore, logically, this funding is not used for religious instruction unless it replaces courses required by the curriculum.

Our research, and even more so that of the Private Education Advisory Commission, indicates that in the vast majority of private schools, the educational regime is respected. However, we note that the Commission, in its analyses, does not specifically examine the role of religious education and its impact on the adherence to the Ministry of Education's curriculum.

7. Recommendations of the Quebec Liberal Party's National Policy Committee

1. That the Quebec Liberal Party officially adopt the three principles outlined by its interim leader, Marc Tanguay, on October 24, 2024:
 - a. Public money should not be used to teach religion¹;
 - b. Schools must respect the entirety of the curriculum set by the Ministry of Education;
 - c. There must be a dialogue with each institution involved.
2. That the Quebec Liberal Party demand that the Government of Quebec provide a complete and detailed portrait of religious education in all schools where this type of teaching occurs. This portrait should include:
 - a. The measures implemented by the school to fully comply with the educational curriculum set by the Ministry of Education;
 - b. The measures implemented by the school to ensure the principle of gender equality is respected.
3. That the Quebec Liberal Party demand that the Minister of Education request the Private Education Advisory Commission to review religious education in schools where such teaching occurs, in relation to its impact on the respect of the curriculum prescribed by the Ministry of Education.
4. That the Quebec Liberal Party ask the Minister of Education to ensure that the Private Education Act provides him with the powers and tools necessary to oversee the practices of non-subsidized private schools, particularly regarding full compliance with the curriculum set by the Ministry of Education and respect for the principle of gender equality.
5. That the Quebec Liberal Party demand that the Government of Quebec place any private school, subsidized or non-subsidized, that does not fully respect the curriculum set by the Ministry of Education under supervision, and that by the end of the academic year, if the situation is not corrected, the school's public funding be suspended.
6. That the Quebec Liberal Party demand that the Government of Quebec place any private school, subsidized or non-subsidized, that does not respect the principle of gender equality under supervision, and that by the end of the academic year, if the situation is not corrected, the school's public funding be suspended.

¹ In this text, the expressions 'teach a religion' and 'religious instruction' mean the teaching of a religion in a confessional manner.

7. That the Quebec Liberal Party ask the Government of Quebec to publicly disclose the reasons whenever the Minister of Education ignores a recommendation from the Private Education Advisory Commission regarding the granting or renewal of a permit or accreditation.
8. That the Quebec Liberal Party ask the Minister of Education to ensure that the Education Act and the Private Education Act, as amended in 2017 (Bill 144), provide him with sufficient powers and tools to prevent the existence of illegal schools and to ensure that all young Quebecers, whether enrolled in public or private schools or not, have access to a quality general education as prescribed by the Quebec Education Program, while respecting the principle of gender equality.

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