

**Memo**  
**May 18, 2018**

**To:** Mr. Dan D'Autremont, Chair  
Standing Committee on Human Services  
Legislative Assembly of Saskatchewan

**From:** Bonnie Hope, Chair  
Norm Dray, Executive Director  
Public Section, Saskatchewan School Boards Association

**Re:** **Written Submission on Bill 89, The School Choice Protection Act**

Thank you for the opportunity to provide written submission to the Standing Committee on Human Services regarding Bill 89. Please note the following points.

- For almost two decades, the Public Section has sought to support public school boards in their role as stewards of public funding. These efforts have, at times, been impeded by Catholic school boards reversing the decisions of public boards and raising questions about the mandate of the Catholic education system in Saskatchewan. The Layh decision in the Theodore litigation has finally brought some clarity to that mandate and, regretfully, Bill 89 sets aside that ruling. We have never spoken against the right of Catholic separate schools to exist but believe that Catholic school divisions should not be competing public divisions.
- This Bill is another bandage on an issue that has been around for 30 years and creates no resolve, just more uncertainty. Even if passed, the notwithstanding clause legislation must be renewed after five years, so it cannot be a final solution, and places a burden on future governments with a need to revisit this question on an ongoing basis.
- There is an appeal process in place for the Theodore decision that should be allowed to continue to completion. This Bill is at best premature and possibly unnecessary. It could take years for the appeal process to play out and the five-year period could expire before the case is heard by the Supreme Court (if it is appealed that far).
- The School Choice Protection Act expands protection to include religious and independent schools which poses larger questions around possible further Charter of Rights violations. The Human Rights Code is set aside by Bill 89 to allow religious schools and private schools to use any admission criteria that they choose with a guarantee of funding for any student they accept. Not only are human rights set aside by this Bill, but this funding regime will further erode funding away from public schools.
- We believe that Bill 89 erodes the strength of public schools. Rural Saskatchewan is served almost exclusively by public schools and eroding the strength of public schools affects education for students in all corners of the province. Public schools are mandated to accept and provide educational opportunities for every child who presents to their doorstep. Public schools currently educate approximately two-thirds of the students in the province of Saskatchewan and are the only option available in most communities; thereby making choice a limited reality for most of the population.

We hope these points will be considered by your committee. We would be pleased to provide clarification or additional information.