

Resources for Education: Human Rights and the Canadian System for Redistribution of Public Funds

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Incomes and employment are not uniformly distributed; how can it be otherwise for educational opportunities? Three aspects of potential maldistribution are examined here: whether rich Canadians find it necessary or worthwhile to send their children to private schools, whether poverty deprives citizens of educational services or forces them to endure inferior services, and whether the cost of a special educational service required by an individual or group determines if or where it will be available?

Private schools are rarely introduced because of poor schools in the public sector. Religious or language goals are typical. Poverty causes self-selection and streaming, but there are tax transfer systems to enable provinces or boards to offer good schools in poor communities. Costs evidently limit special services.

Les revenus et les emplois ne sont pas distribués également entre les Canadiens; comment pourrait-il en être autrement en ce qui concerne les chances en éducation? Cet article analyse trois aspects d'une mauvaise distribution possible: les Canadiens en moyens envoie-t-ils qu'il soit nécessaire ou qu'il vaille la peine d'envoyer leurs enfants dans des écoles privées; la pauvreté prive-t-elle les citoyens des services éducatifs ou les oblige-t-elle à se contenter de moins bons services; le coût d'un service éducatif spécial répondant aux besoins d'un individu ou d'un groupe est-il le facteur qui détermine s'il sera créé et à quel moment il le sera? Les écoles privées sont rarement établies à cause d'une mauvaise qualité des écoles publiques. On les crée plutôt pour répondre à des besoins religieux ou de langue. La pauvreté mène à l'auto-sélection et au regroupement; cependant, il y a des systèmes de transfert d'impôts qui permettent aux provinces ou aux conseils scolaires d'offrir de bonnes écoles dans les communautés défavorisées. Le coût évidemment limite les services spécialisés.

The *International Covenant on Economic, Social and Cultural Rights* defines educational targets for which Canada is theoretically accountable to the international community. Violations of the rights set out could be protested by aggrieved individuals or groups (Tarnopolsky, 1982).

Several of the proclaimed rights reflect resources: primary education shall be free and compulsory, secondary education shall be accessible to all persons of sufficient competence and increasingly free, fundamental education shall be encouraged and intensified for those not completing primary education in their youth, and the complete system will be adequately financed and steadily improved. Progress toward these

ambitious targets, particularly vigorous in the 1960s and 1970s (Organization for Economic Cooperation and Development, 1976), has been faltering for several years as other social objectives relegate education to a lower priority.

As total resources reach a plateau, are there cutbacks from which certain parts of the population suffer most? Incomes and employment are not uniformly distributed; how can it be otherwise for educational opportunities? Three aspects of potential maldistribution are examined here. Does elite private schooling provide educational services that are significantly better than those in the public sector – i.e., do rich Canadians find it necessary or worthwhile to send their children to private schools? Does poverty at the personal, community, or provincial level significantly deprive citizens of educational services or force them to endure inferior services? Does the cost of a special educational service required by an individual or group determine if or where it will be available?

The answers to these questions can be attempted by an analysis of policy. Actual resources and spending patterns are available in the public record for checking the effectiveness of the systems in place. Two policy arguments are often used: education as an investment and fairness in the distribution of resources. The *human rights arguments* do not usually coincide with a *best investment policy* except perhaps in selection and scholarship programs for higher education. On the whole, education is accepted as a good investment, but fairness rather than profitability determines its availability in Canada. Fairness has been given a broad interpretation so that the same curriculum and materials may not be required for all students – there may be differences to reflect language, pupil interests, parental wishes, disabilities, and so on. Fairness justifies a costly program on educational grounds despite declining enrolments, but appropriate measures may be taken to retain efficiency (Bixley, 1975). New opportunities like those for language instruction must be extended fairly as examples of the rights of citizens in a modern democracy. If given a *global* rather than a *national* interpretation, Canadian educational facilities would be termed lavish and greedy, for most phases of Canadian education consume many times the resources usually allotted to that function in developing nations.

ARE ÉLITE PRIVATE SCHOOLS JUSTIFIED?

All parents are entitled to seek the best possible schools for their children. If they can afford elite private education, some parents will choose to send their children there: a human rights argument justifies this opportunity (Wolfendon, 1957). But perhaps such choices are merely a form of

conspicuous consumption or establishing contacts for a subsequent climb up the corporate ladder (Newman, 1975). Are elite private schools actually better than their publicly financed equivalents? Certainly a few are. But only 4% of Canadian youth attend private schools, and most of these schools are religiously or linguistically rather than qualitatively distinguishable and financed at much lower levels than public schooling (Shapiro, 1985). The numbers of elite private schools remain low, with many hard pressed to retain any qualitative edge over their publicly funded rivals. In several provinces, subsidies to private schools have been introduced on various conditions apparently recognizing that their usual role is to provide education for a cultural minority rather than for ambitious social climbers (Bergen, 1981).

The key to this situation lies in the more or less continual improvement of educational opportunity in the public sector. The need for it receives little debate in legislatures – it is assumed by all parties. Each year, ministers of education boast that schools remain excellent. Canadian success in this respect has been acknowledged both internationally (Organization for Economic Cooperation and Development, 1976) and domestically (Livingstone & Haaf, 1980). The background to this ideal of quality schooling which is accessible to all is often forgotten. It was introduced by several pioneer communities (McNeill, 1974; Skinner, 1968) and expanded by various public authorities (Patterson, Chalmers, Friesen 1974). Recently sheer expansion has given way to a concern for quality (Ray, 1974).

DOES POVERTY HINDER EDUCATIONAL OPPORTUNITY?

Family, community, and provincial resources are not by nature distributed to ensure equal educational services. Both wealth and poverty are clustered within Canada. Even if poverty does not constitute an absolute barrier, there is no doubt that it is a factor in school drop-outs, under-achievement, and low aspirations (Adams, Cameron, Hill, & Penz, 1971) and in self-selection and streaming within the schools (Hunter, 1982; Porter, 1979; Porter, Porter, & Blishen, 1982).

Perhaps the most obvious connection with family resources is the widespread need of poor families for child labour, a practice most evident for small farms and businesses, itinerant workers, and illegal immigrants. Resources are not administered precisely enough and are probably inadequate to end such exploitation, but many families do not avail themselves of available assistance. This problem is associated in schooling with early drop-outs, absenteeism, and under-achievement rather than non-attendance. It is an even more serious barrier to continued education

as an adult despite student loans and scholarships (Statistics Canada, 1983).

Poverty at the community level has been overcome more successfully. Fifty years ago, a regressive grant structure resulted in rich communities receiving the most provincial assistance while poor areas could hardly pay their teachers (Chalmers, 1967). In a few cases schools were closed, their boards bankrupted. Provinces were forced to assume direct responsibility and then to reform their grant structures and introduce progressive reforms. Even the poorest community was assured of a foundation level of support – a floor that was periodically raised (Chalmers, 1978). Conditional grants encouraged local boards to improve school conditions. Provincial grants have become the major source of school revenue for the poorest communities but are less significant in rich areas. There are some provinces where local boards have been virtually eliminated by provincial assumption of responsibility for control and financing of schooling (Morin & Girard, 1979, ch. 6). In almost all provinces, the equalization plan became bi-partisan, buttressed by human rights arguments, and almost devoid of patronage. No matter which party won a provincial election, the system of distributing school funding was likely to be adjusted only marginally.

But Canadian provinces are not equally wealthy, and even the richest experience periodic reverses that make it difficult to sustain customary levels of support for education. They differ in the emphasis placed upon government involvement social programs. Yet two measures unite the provinces: possible reductions of their autonomy in the field of education and the need for the federal system to equalize resources for social services – including education (Cameron & Dupre, 1982, pp. 342–343). Were it not for federal transfer payments, several provinces would have difficulty maintaining present levels of social services (see Table 1).

Federal income is derived from the nation as a whole, and, despite loopholes that are often noted (Ross, 1980, pp. 43–48), it derives from taxes based broadly on ability to pay. Transfer payments for education and other social services are determined by needs, then calculated by complex formulae for various programs. Payments are not specified for *education* because that would infringe on provincial autonomy, but justifications for transfers include educational costs. (Federal spending is acknowledged for training, research, and linguistic and cultural programs; a measure of federal-provincial jousting takes place as a consequence of the programs' "educational" flavour.) Basically the market system moves money west to prosperous investments and high productivity; equalization programs return some of it to finance eastern provinces' education, health care, and social security. Although an

economic argument for such programs could be mounted, the traditional reasons reflect political and human rights considerations.

The Canada Act (1981) makes these obligations part of uncontested, irrevocable rights. The national government ensures "that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation" (s.36). No principle in the Canadian federal system is more solidly implanted.

DOES THE COST OF EDUCATIONAL ALTERNATIVES DETERMINE IF, WHEN, OR WHERE THEY WILL BE OFFERED?

Numbers of students and costs have always restricted the availability of alternative programs, but four justifications for such programs are used to defend additional levels of financing.

Education for persons with disabilities, whether provided in mainstream schooling with extra facilities or personnel (as is the emerging practice in Ontario) or in centralized facilities (the practice in most other provinces, McMurray, 1983), habitually requires extra funding. In some cases, effective education has not been undertaken because of its cost or doubts about its probable effectiveness – so, for example, brain-damaged children may secure hospital care with little attempt to provide education. No reliable figures could be found to indicate the extent of this kind of problem. Some boards, faced with the cost of special education for only one or two children, have been loath to provide it, encouraging the parents either to take the board to court or to keep the children at home. Again, statistics are not complete.

Children who could learn effectively with modest extra services often fail to secure the needed help and languish in regular classes, learning slowly and imperfectly. Even though education for persons with disabilities is not uniformly regarded as a strong argument for special funding, the precise number of neglected students or the cost of their programs is not in the public record.

Minority group rights are more widely recognized as justifications for special funding. This may range from support for modest instruction for part of the day to distinctive schools. In Canada, minority group rights are typically associated with *language*, *religion*, and *ethnicity*. In the case of Quebec, English language children (as defined in Act 101¹) are entitled to education in English no matter how small their numbers. The same right obtains for either English or French in New Brunswick and is being established in Manitoba.

The most pressing concern is for the French minorities in most other

TABLE 1
Indices of Educational Opportunity across Canada 1981-1982

	CANADA	B.C.	ALTA.	SASK.	MAN.	ONT.	QUE.	N.B.	P.E.I.	N.S.	N.F.L.D.
Gross Provincial National Product (,000,000)	351576	43145	48806	15406	13097	131625	79990	6066	884	7332	4262
Average Worker Income (\$/Wk.)	336.95	361.48	373.25	322.27	298.35	329.54	333.71	296.26	246.70	286.99	316.01
Net Federal - Provincial Transfer Payments (,000,000)		-468	-763	-24	317	-2704	1951	507	142	493	549
Federal Education Grants/Prov. Education Spending		8.6%	8.4%	15.1%	13.9%	6.8%	6.3% ^a	10.0%	12.0%	12.3%	10.0%
Population (,000)	24343	2744	2238	968	1026	8625	6438	696	123	847	568
School Enrolment (,000)	5032	534	455	211	219	1890	1193	151	26	185	146
University Enrolment (,000)	352	28	30	14	16	148	79	12	1	18	7

TABLE 1 (Concluded)
Indices of Educational Opportunity across Canada 1981-1982

	CANADA	B.C.	ALTA.	SASK.	MAN.	ONT.	QUE.	N.B.	P.E.I.	N.S.	NFLD.
Teachers all levels (,000)	335	35	30	13	15	116	90	9	2	14	10
Average Salary											
Elementary Teacher (,000)	26.7	27.5		25.1	25.9	27.8		28.4	25.2	26.6	25.1

^aQuebec foregoes some transfer payments for reasons of sovereignty

SOURCES

- Economic Council of Canada. (1982). *Financing Confederation Today and Tomorrow*. Ottawa: Supply and Services, pp. 19, 59.
- Statistics Canada. (1982). *Education in Canada*. Ottawa: Supply and Services.
- Statistics Canada. (1982). *1981 Census of Canada*. Ottawa: Statistics Canada.
- Statistics Canada. (1982). *Provincial Economic Accounts, 1967-1982*. Ottawa: Statistics Canada.

provinces. French is not recognized as an official language except in Quebec and New Brunswick, and elsewhere it is a language of instruction or French schools are established only "where numbers warrant." The term is variously defined, but, if French parents are numerous in a community, they will secure their school, fully funded. However, it may become an immersion language school that undermines the objective of French parents – the maintenance of both language and culture. If only a few French families live in a community, in most provinces they must be content with schooling in English for their children, with French as a second language introduced at some stage (Churchill, 1980).

Languages other than French or English (which are official and equal in principle in Canada and New Brunswick but not in the other provinces) face a more dismal prospect, but the same principles apply. Native language instruction is severely limited because of shortages of teachers and effective materials, and some native languages are almost never taught in schools. The schools are the enemy for these groups in that fluency in official languages may obviate the need for an ancient tongue.

Heritage languages (for example Chinese, German, or Ukrainian) are taught in several provinces as second languages. In a few cases, there are alternative public schools, assisted private schools, or parent-financed private schools that teach for a significant part of the day in the heritage language (Pannu & Young, 1980). A third possibility is that heritage languages be taught as an option with provincial and/or local support, volunteer teachers, and no official recognition of proficiency (Churchill, 1980). Because heritage languages are extended in every case with evidence of sufficient interest, this is an example of human rights being respected "where numbers warrant."

The case for *religious minority schools* is identical with that for the language schools – and in some cases a language is involved. The right to form and operate a religious private school is virtually uncontested, and public authorities must prove that children's education rights were somehow violated (Bergen, 1979). In several provinces, grants are available to religious schools that meet provincial standards – for example, by having certified teachers, authorized curricula, and instruction in an official language. Ontario is the conspicuous exception to this generous attitude to religious diversity (Shapiro, 1985). In fact, even Roman Catholic separate schools, which were established in the nineteenth century in Ontario, have only recently secured grants for their senior grades. Public funding is more or less equal up to Grade 8, but then it drops below the standard for other schools.

In several provinces, public schools may be essentially Roman Catholic or Protestant, both, or much more diversified. Separate schools are the

provincially funded alternative in five provinces, and private schools, usually with a lower level of tax support and sometimes with none, may be sponsored by any religion or faith. Naturally, all such schools exist only where numbers warrant (Ray, 1981).

Ethnicity reflects a special case. Language or religion may serve to create an ethnic school; only Indians, Inuit, and Métis have schools organized and operated for (and increasingly by) the ethnic group unless there is also justification on grounds of language or religion. This right is reflected in the Canada Act, 1981 but is vaguely defined. Two subsequent constitutional conferences have made little progress in resolving the issue. In practice, about half the native population attend native (ethnic) schools while the rest attend public or separate schools which sometimes offer special programs for native students; in most regions, the schools are well equipped but not taught by natives. Canadian education has not been successful in retaining native pupils; since the number of children potentially involved is significant and concentrated to some extent in certain regions, the progress here looms as the least satisfactory in extending the schooling justified by human rights and widely expected by the population (Indian and Northern Affairs, 1980).

CONCLUSION

The three guiding questions seem to be answered fairly uniformly for all provinces. Although the answers are not consistent over time, the expanding of rights has been slow but unsteady.

1. Although rich families often send their children to private schools to satisfy élitist ambitions, the private school pupils are typically from very ordinary families who want a school distinguished on the basis of language or religion. Such schools may well lack resources and may have teachers who are not better qualified than those of public or separate schools.
2. Although poverty remains a factor in educational disadvantage, there are extensive schemes to support the needy family, school board, or province. Of these programs, those for equalizing resources among communities within single provinces work best; the equalization payments among provinces are not sufficient or are not used as planned to produce truly equal opportunity, and the protection for poor families within communities is in need of overhaul.
3. The cost of providing alternative educational programs determines if, how, and where such services will be available. Political considerations and efficiency are probably more important than human rights in the decisions.

NOTE

- ¹ Act 101 defines the groups entitled to English education as those with either parent or a brother or sister educated in English in Quebec, pupils who started school in English in Quebec, children from provinces where French pupils receive full opportunities (e.g., New Brunswick), certain temporary cases, and children of native ancestry. Other children are educated in French with English as a second language.

REFERENCES

- Adams, Ian, Cameron, W., Hill, B., & Penz, P. (1971). *The real poverty report*. Edmonton: Hurtig.
- Bergen, John. (1979). A decision that shook education in Alberta. *Challenge in Educational Administration*, 18(1), 32–42.
- Bergen, John. (1981, November). Private schools: A challenge or an alternative. *ATA Magazine*, 11–13, 35.
- Bixley, Brian. (1975). Finacing the university in the seventies. In Andrew Z. Kerekes & Ian J. Collins (Eds.), *The egalitarian options perspectives on Canadian education* (pp. 40–53). Toronto: Compass Associates.
- Cameron, David M., & Dupré, J. Stefan. (1982). The financial framework of income distribution and social services. In Stanley M. Beck & Ivan Bernier (Eds.), *Canada and the new constitution: The unfinished agenda* (pp. 333–399). Montreal: The Institute for Research on Public Policy.
- Chalmers, John W. (1967). *Schools of the foothills province*. Toronto: University of Toronto Press.
- Chalmers, John W. (1978). *Gladly would he teach: Biography of Milton Ezra LaZerte*. Edmonton: Alberta Teachers' Association.
- Churchill, Stacy. (1980). International education and education on human rights: The Canadian experience. *Canadian and International Education*, 9(1), 6–32.
- Hunter, Alfred A. (1982). *Class tells: On social inequality in Canada*. Toronto: Butterworths.
- Indian and Northern Affairs. (1980). *Indian conditions: A survey*. Ottawa: Indian and Northern Affairs.
- Livingstone, David, & Haaf, D. J. (1980). *Public attitudes toward education in Ontario, 1980*. Toronto: Ontario Institute for Studies in Edcation.
- McMurray, Grant. (1983). Special education. In Douglas Ray & Vincent D'Oyley (Eds.), *Human rights in Canadian education* (pp. 110–128). Dubuque, IA: Kendall Hunt.
- McNeill, J. L. (1974). Egerton Ryerson: Founder of Canadian (English-speaking) education. In Robert S. Patterson, J. W. Chalmers, & J. W. Friesen (Eds.), *Profiles of Canadian educators* (pp. 118–140). Toronto: D. C. Heath.
- Morin, Jacques-Yvan, & Girard, Jacques. (1979). *The schools of Quebec: Policy statement and plan of action*. Québec: Ministère de l'éducation du Québec.
- Newman, Peter C. (1975). *The Canadian establishment*. Toronto: McClelland and Stewart.
- Organization for Economic Cooperation and Development. (1976). *Review of educational policies of member states: Canada*. Paris: OECD.
- Pannu, R. S., & Young, J. R. (1980, December). Ethnic schools in three Canadian cities: A study in multiculturalism. *Alberta Journal of Educational Research*, 26(4), 247–261.
- Patterson, Robert S., Chalmers, J. W., & Friesen, J. W. (Eds.). (1974). *Profiles of Canadian educators*. Toronto: D. C. Heath.

- Porter, John. (1979). *The measure of Canadian society: Education, equality, and opportunity*. Toronto: Gage.
- Porter, John, Porter, Marion, & Blishen, Bernard. (1982). *Stations and callings: Making it through the school system*. Toronto: Methuen.
- Ray, Douglas. (1974). The Canadian educational take-off. *Canadian and International Education*, 3(2), 1-23.
- Ray, Douglas. (1981). Religion in Canadian schools. In Douglas Ray (Ed.), *School and society: Readings and commentary* (pp. 136-146). Lexington, MA: Ginn.
- Ross, David P. (1980). *The Canadian fact book on income distribution*. Ottawa: Canadian Council on Social Development.
- Shapiro, Bernard. (1985). *The report of the commission on private schools in Ontario*. Toronto: Office of the Commission.
- Skinner, Andrew. (1968). Foreign influences in Canadian education: The Scottish influence. *The Comparative and International Education Society of Canada: Papers 1968 Discourse*, 13-22.
- Statistics Canada. (1983). *One in every five*. Ottawa: Statistics Canada.
- Tarnopolsky, Walter Surma. (1982). *Discrimination and the law in Canada*. Toronto: Richard de Boo.
- Wolfendon, Sir John. (1957). Public schools. In Joseph A. Lauwerys & G. Z. Bereday (Eds.), *Yearbook of education: Education and philosophy, 1957*. London: Evans Brothers.

Einkommen und Arbeit sind nicht gleichmäßig verteilt: wie könnte es für Bildungsmöglichkeiten anders sein? Es werden hier drei Gesichtspunkte der möglichen Mißverteilung untersucht. Finden reiche Kanadier es nötig oder lohnend, ihre Kinder zu Privatschulen zu schicken? Schließt die Armut die Staatsbürger von Bildungsdiensten aus oder zwingt sie sie, minderwertige Dienste zu ertragen? Entscheiden die Kosten eines besonderen Bildungsdienstes, dem ein Individuum oder eine Gruppe nötig hat, ob oder wo er vorhanden sein wird?

Privatschulen werden selten nur wegen schlechten Volksschulen eingeführt. Ihre Ziele sind typisch religiös oder sprachverbunden. Die Armut verursacht die Selbstauslese und die Ranganweisung; es gibt aber Steuergelderüberweisungssysteme, die es den Provinzen und dem Erziehungsrat ermöglichen, gute Schulen in armen Gemeinden anzubieten. Die Kosten schränken offensichtlich die besonderen Dienste ein.

Cómo se podrían distribuir uniformemente los ingresos y los empleos para obtener mejores oportunidades educativas? Tres aspectos de una posible mal distribución son aquí analizados. Consideran los canadienses ricos que vale la pena enviar sus hijos a escuelas privadas? Es la pobreza un factor que priva a los ciudadanos de servicios educativos, o que los obliga a aceptar servicios de baja calidad? Es el lugar o disponibilidad de un servicio educativo especial determinado por su costo?

Las escuelas privadas no son adoptadas debido a inferioridad de servicios en las escuelas públicas. El aspecto religioso o de idioma son motivos más comunes. La pobreza es una causa decisiva de auto-selección y agrupamiento, pero existen sistemas de impuestos que permiten a la provincia o a las juntas educativas la creación de buenos servicios en comunidades pobres. Los costos indudablemente limitan la creación de servicios especiales.

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