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## SECTION 2

### Accommodation Guidelines

#### Areas of Accommodation

For many students and families in Manitoba's schools and communities, there are a number of areas where the practice of their religion may result in a request for accommodation from the school and/or the division.

Some common areas of concern include the following:

- Participation in school opening or closing exercises
- Requirements for prayer and/or meditation
- Observation of major religious holy days and celebrations
- Food requirements and fasting
- School dress or attire
- Modesty requirements in Physical Education
- Participation in daily activities and curriculum



Figure 2.1: In the classroom

If, and when, parents or students express concerns related to religious beliefs and practices in schools, it is important that all involved work collaboratively and respectfully to address the issue in an appropriate manner. The school administrator and staff, the student, the student's family, and the religious community often need to be involved to explore options and identify appropriate accommodations. Accommodation requires a building of trust and a mutual respect among those involved.

Religious accommodation in Manitoba's school divisions and schools will be granted within a context of respect for human rights, welcoming of diversity, and safe schools policies. School administration should attempt to reasonably accommodate students where there is a demonstrated conflict between a specific class or curriculum and a religious requirement or observance. Where academic accommodation is requested, the school should have an informed discussion with the student's parents to understand the nature and extent of the conflict.

The school administration and the teachers have an important role to play in ensuring fairness and respect for the diverse religious beliefs and practices of students and staff in their schools. Nevertheless, it is not the role or responsibility of school administrators and teachers to monitor a child's compliance with religious obligations, and regulate such practices as performing daily prayers or wearing a head covering.

School administrators should make it clear during the discussion that its role is to protect students and staff from harassment and discrimination because of their religion and cultural practices. Where these conflict with school activities or curriculum, the school administration should consider accommodation. It should be made clear to students and their families that the school cannot accommodate religious values and beliefs that conflict with mandated school board and Department of Education and Training policies.

When an individual requests an accommodation related to the curriculum, the accommodation applies to the individual in question and not to the whole class or to classroom practices. In discussions with students and their families, an informed, common-sense approach to questions of religion and curriculum is recommended. In many cases, an open dialogue between the school administrator, as well as the student and the student's family can solve these questions.

## General Religious Accommodation Guidelines and Procedures



Figure 2.2: Cadet saluting

The following are general guidelines and procedures to be followed when considering accommodation for religious purposes. These general statements do not name specific religions: they simply refer to common areas of concern.

### PARTICIPATION IN SCHOOL OPENING OR CLOSING EXERCISES (PATRIOTIC OBSERVANCES)

*The Public Schools Act*, Sections 41(1) (b), 85, and 229 allows for patriotic observances to be held

in schools (opening and closing exercises). Patriotic observances are also dealt with in *The Education Administration Act*, Section 16(1) (b) and Manitoba Regulation 472/88R.

The Administrative Handbook for Schools (2016) (see [www.edu.gov.mb.ca/k12/docs/policy/admin/school\\_admin.pdf](http://www.edu.gov.mb.ca/k12/docs/policy/admin/school_admin.pdf)) provides guidance on the implementation of the requirements for patriotic observances. The following section has been excerpted from the Administrative Handbook for Schools:

#### General Responsibilities:

##### Opening and closing of school

At the opening of each regularly scheduled school day, pupils shall sing the first verse and the chorus of "O' Canada". At the close of the school day or the close of any opening exercises, pupils shall sing the first verse of "God Save the Queen." The singing in all cases shall be done by the pupils, assisted by any means approved by the principal. Pupils are required to stand erect in an attitude of attentiveness, excepting those pupils who are excused by the school board on medical or other grounds satisfactory to the school board.

##### Remembrance Day exercises

Each school shall hold Remembrance Day exercises on the day prior to November 11. If November 11 falls on a Saturday, Sunday or Monday, the exercises are to be held on the preceding Friday. The exercises may consist of readings, recitations, songs, addresses, and pageants of a patriotic character as approved by the principal, and must include two minutes of silence.

##### Citizenship exercises

Each school shall hold citizenship exercises on a day set aside by proclamation of the Lieutenant Governor or Governor General for special emphasis on citizenship. The exercises may consist of readings, recitations, songs, addresses, and pageants of a patriotic character as approved by the principal.

##### Flag

Each school shall erect and maintain upon the school building or on the school grounds a flagstaff. The Canadian Flag is to be flown on each day that the school is open, weather conditions permitting. If weather conditions do not permit the flag to be flown outdoors, it is to be prominently displayed in the school.

No grant shall be paid to any school division or school district that fails to comply with the requirements of this Act and the regulations with respect to the providing and setting up of a flagpole.

Rules and guidelines for displaying the Canadian Flag can be found at the Heritage Canada website, under "Flag Etiquette in Canada," at <http://canada.pch.gc.ca/eng/1444133232522>.

#### For further information

- Education Administration Services: 204-945-6899
- Heritage Canada (Regional Office): 204-983-3601 or 1-866-811-0055

## REQUIREMENTS FOR PRAYER AND/OR MEDITATION

In 1992, the Court of Queen's Bench of Manitoba ruled that mandatory religious exercises in public schools were an infringement of Sections 2 and 15 of *The Canadian Charter of Rights and Freedoms* and ordered an end to the practice.



Figure 2.3: Lighting the Menorah

Most of the relevant provisions of *The Public Schools Act* (section 84) were struck down. The surviving provisions of *The Public Schools Act* state that public schools shall be non-sectarian. Religious exercises may only be conducted where a petition asking for such exercises (signed by the parents/guardians of 75% of the students in the case of a school having fewer than 80 students or by the parents/guardians of at least 60 students in

schools having an enrolment of 80 or more students) is presented to the school board.

### Legislative Reference

- The Public Schools Act, Section 84(1), (8)
- Manitoba Regulation 554/88, Sections 1, 3, 4(2), 4(3)

The *Administrative Handbook for Schools* (2013) (see [www.edu.gov.mb.ca/k12/docs/policy/admin/school\\_admin.pdf](http://www.edu.gov.mb.ca/k12/docs/policy/admin/school_admin.pdf)) provides guidance on the implementation of the requirements for religious exercises. The following section has been excerpted from the *Administrative Handbook for Schools*:

It is important to note that there is a distinction between religious **exercises** and religious **instruction**.

### General Responsibilities

It is the expectation of Manitoba Education and Training that school divisions/districts will follow these guidelines:

- Religious exercises are to be conducted in a particular school only after the requirements of subsection 84(8) of *The Public Schools Act* have been met, a petition has been directed to the local school board, and the school board instructs that school to make the necessary arrangements.
- School boards may, for the purpose of communicating information, advise parents/guardians prior to the start of the school year of the provisions of subsection 84(8) of *The Public Schools Act*. The guidelines may be shared with parents/guardians to facilitate their understanding of the law, and to explain the process necessary for implementation of religious exercises. School boards should not, however, take any action that would be seen as initiating or prompting implementation of religious exercises. The process

must be grass roots driven, with parents/guardians taking the initiative to have religious exercises implemented. Schools should play no role in the petition process, and act on a petition only when so advised by the school board.

- Once religious exercises are instituted by petition in a school, only those children whose parents/guardians have signed the petition may participate. It is reasonable for schools to advise parents, through school newsletters or other means, that religious exercises are in place in the school and that those parents wishing to have their children participate can do so by notifying the principal. (This might mean having the parents come to the school to sign the petition, or indicate consent by sending a signed letter to the principal as an attachment to the petition). It must not be assumed that those parents/guardians who did not sign the petition want their children to participate in religious exercises and can remove their children if they do not want them to participate. It must be an **opt-in** process.

Similarly, though it may be administratively convenient, schools should not send out ballots to parents/guardians to record whether or not they wish their children to participate in religious exercises.

- Petitions respecting religious exercises must be received by the school board each school year, and be on a school by school basis.
- The content of any religious exercise must be defined by those petitioning for it. It is important that those persons being approached to sign the petition know exactly what they are being asked to sign, and that the school board clearly understands what is being requested.

Assuming the numerical requirements of subsection 84(8) are met, it is conceivable that parents of a variety of faith groups could petition for their own religious exercises. In other words, provided the requirements of subsection 84(8) are met, parents could petition for Buddhist religious exercises, Jewish religious exercises, Christian religious exercises, or other. Parents or guardians signatory to a petition would be entitled to have their children access such religious exercises, and the school board and school will be required to make the necessary arrangements to implement the exercises. However, the parents/guardians making the petition will be responsible for providing whatever prayer book, literature, etc., are essential to the conducting of the religious exercises.

- Teachers and other staff are not compelled to conduct or supervise religious exercises. Participation by staff must be voluntary. If teachers and other staff are unwilling to conduct or supervise such exercises, alternate arrangements must be made. This may involve requesting members of the parents' group petitioning for the exercises to conduct the activity themselves. The principal will be responsible for determining the appropriate supervisory arrangements.

School boards shall not, as part of the hiring or promotion process, inquire of applicants/candidates as to their willingness to participate in, conduct, or supervise religious exercises.

- Where petitioned, religious exercises are to be held each teaching day, and shall be no longer than ten minutes in duration. The exercises are not to be held during regular instructional time. Instructional time is to be preserved and religious exercises held either prior to the start of the school day or during noon recess.

- By holding religious exercises before the beginning of regular classes in the morning, or during the noon hour, the separation of participating and non-participating students can be minimized. It is recommended that those participating in religious exercises congregate in a common area (gymnasium, multi-purpose room, empty classroom, etc.), proceed with the exercises, and then rejoin their classmates prior to the class which they are scheduled to attend.

For further information

- Your Local School Division/District Office
- Education Administration Services: 204-945-6899
- See also [Religious Instruction](#)

## OBSERVATION OF MAJOR RELIGIOUS HOLY DAYS AND CELEBRATIONS

The Public School Act, section 262, establishes that “A child may also be absent from school on any day regarded as a holy day by the church or religious denomination with which the child is affiliated.”

### Students

#### Note

Students are required to present written notice from their parents/guardians, specifying the religious holy days for which they will be absent from school. This notice should be made enough in advance (preferably at the beginning of the school year) to ensure that scheduling for major evaluations (e.g., tests, assignments, examinations) takes the holy days into consideration.

Student handbooks, parent newsletters, and school announcements should include information about religious holy day procedures. Schools must make every reasonable effort to be aware of the religious observances of their staff, students, and community when planning special school activities, examination schedules, school concerts, parent interview dates, field trips, and other events.

In the case of an absence for religious holy day reasons, major tests or exams should be rescheduled for the student.



Figure 2.4: Reading the Koran

## Significant Faith Days

The days listed below are some of the days of particular significance to members of the major faith communities in Manitoba.

<b>Baha'i</b>	Ridvan
<b>Buddhist</b>	Lunar New Year/Chinese
<b>Christian</b>	Christmas (Western) Good Friday (Eastern) Christmas Holy Friday
<b>Hindu</b>	Diwali
<b>Jewish</b>	Rosh Hashanah (2 days) Yom Kippur Passover/Pesah (first day)
<b>Muslim</b>	Eid-ul-Fitr Eid-ul-Adha Sikh Baisakhi

N.B.: A list of major religious holy days is provided in [Section 4: Religious Holy Days](#).

## RELIGIOUS INSTRUCTION

*The Public School Act* allows for religious instruction in schools. This is reflected in *The Public Schools Act*, Sections 80–83. *The Administrative Handbook for Schools* (2013) (see [www.edu.gov.mb.ca/k12/docs/policy/admin/](http://www.edu.gov.mb.ca/k12/docs/policy/admin/)) provides guidance on the implementation of the requirements for **religious instruction**. The following section has been excerpted from the Administrative Handbook for Schools:

Instruction in religion may be conducted in any school in Manitoba if authorized by a by-law passed by the school board. It is important to note that there is a distinction between religious instruction and religious exercises.

### General Responsibilities

School boards are required to pass a by-law authorizing religious instruction if a petition is presented to the school board. The parents or guardians of at least 10 children attending a school having one or two classrooms must sign the petition. For a school having three or more classrooms the parents or guardians of at least 25 children attending the school must sign the petition.

Authorized religious instruction, may take place during school hours and on such days as approved by the school board by-law, but shall not exceed 2 ½ hours per week. The instruction shall be conducted by a clergyman, priest, rabbi or

other spiritual leader or by a representative of parents recognized by the school board as constituting a religious group or by any person including a teacher, duly authorized by such clergyman, priest, rabbi or other spiritual leader.

Where the parent or guardian of a pupil who is under the age of majority does not want the child to participate in the religious instructions or where an age of majority student does not want to participate in the religious instruction, they must be excused from participating therein.

For further information

- Your Local School Division/  
District Office
- Education Administration  
Services: 204-945-6899
- See also [Requirements for Prayer and/or Meditation](#)

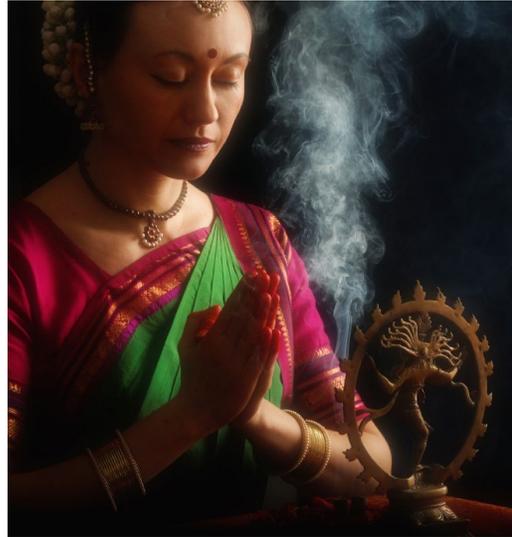


Figure 2.5: Hindu woman praying

## FOOD REQUIREMENTS AND FASTING

### Dietary Needs

#### *Guidelines*

School divisions and schools should be attentive to the dietary restrictions of the members of the various religious groups that are present in their communities. This may include revising local nutrition policies to reflect the needs of the diverse faith groups, and may extend to issues related to the

menus provided by food and catering firms, snacks in elementary schools, and food and refreshments for special occasions and community events.

Breakfast and lunch programs in both secondary and elementary schools should consider dietary restrictions in their menu planning. Availability of vegetarian options is recommended.

Special consideration is necessary with regard to overnight outdoor education activities, as well as field trips that extend over a mealtime period.



Figure 2.6: Breads

Some common dietary requirements are as follows:

Dietary Requirements	
Religion or Faith	Dietary Restrictions
Buddhism	Many Buddhists do not eat meat, fish, or eggs and avoid drinking alcohol.
Christianity	Some Christians avoid drinking alcohol. Some do not eat meat on Fridays and eat fish instead.
Hinduism	The majority of Hindus do not eat meat, fish, or eggs. Beef is strictly forbidden as the cow is regarded as sacred, and pork is not normally eaten as it is regarded as unclean.
Islam	Muslims can eat only halal meat. Pork and any other foods derived from pigs are forbidden, as is alcohol.
Jainism	Most Jains are strict vegetarians, and avoid alcohol and eggs. Many do not eat root vegetables such as potatoes, onions, and garlic.
Judaism	Jews cannot eat pork, shellfish, or other foods that are not kosher. They cannot mix dairy and meat products.
Sikhism	Many Sikhs are vegetarian. Some do not eat beef or halal meat.

## Fasting

### *Guidelines*

Many faith groups and traditions have periods where their adherents are expected to fast (abstain from all or some kinds of food or drink on specific dates or for a period of time). Some examples of different religions and spiritual traditions which have such periods include Indigenous Spirituality, Bahá'í, Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, and Sikhism. (See [Section 3: Religious Diversity Fact Sheets](#).)

Schools should accommodate students that are fasting due to religious practices or requirements. Providing and designating an appropriate space during lunch periods for students who are fasting is recommended. During the planning of field trips teachers should address the needs of students who might be fasting. Some students may need exemptions from some classes due to their fasting, such as physical education/sports (due to concerns related to dehydration) or swimming (due to concerns about ingesting water).

## SCHOOL DRESS OR ATTIRE

### Attire

#### *Guidelines*

Schools should accommodate students and staff with regard to religious attire. Religious attire should not be seen as being a form of cultural dress. In many religions and spiritual traditions there are guidelines with respect to what adherents are expected to wear. Some forms of religious attire that should be appropriately accommodated in school include, but are not limited to

- items of ceremonial dress
- hairstyles
- head coverings (e.g., yarmulkes (skullcaps), turbans, head scarves, etc.)
- religious jewellery and symbols (e.g., crucifixes, crosses, ankhs, Stars of David, Sikh Khanda, pentacles, etc.)

Students from different faith groups often are harassed because of their religious attire. This is one of the most common types of intolerance students experience in school. Consequently, school staff must be aware of the potential for such harassment and be proactive in setting a climate of acceptance and understanding. There are some religious communities that require specific items of ceremonial dress that may be perceived as contravening department or school policies (e.g., the wearing of the *kirpan*—a ceremonial dagger—by Khalsa Sikh students. Refer to the Sikh Fact Sheet in the next section for the guidelines with respect to accommodating students required to wear a *kirpan*.

### Modesty Requirements

#### *Guidelines*

Some religious and spiritual groups require members to observe strict modesty in their attire. This can sometimes conflict with safety and other requirements in physical education classes, sports, and related activities. Students must wear appropriate clothing for physical education classes. Currently, the *Safety Guidelines: Physical Activity in Manitoba Schools* (see [www.edu.gov.mb.ca/k12/docs/support/pehe\\_safety/index.html](http://www.edu.gov.mb.ca/k12/docs/support/pehe_safety/index.html)) with respect to clothing and footwear state

Shorts or sweat pants, T-shirts and appropriate running shoes should be a minimum uniform requirement. Deviations from this minimum are listed on activity sheets. Some ill-fitting clothing, scarves, jewelry, hard-soled shoes and socks-without-shoes can inhibit movement and possibly cause injury during active movement. Where cultural dress presents a safety concern, modifications to the activity must be made.

If a family has concerns about physical education clothing requirements, the school should discuss the modesty requirements with them and, taking into consideration the Department of Education and Training mandated

expectations in the Physical Education and Health curriculum, provide reasonable accommodations.

The curriculum requirements should be explained to the family so that students and parents have sufficient information to understand the Physical Education and Health curriculum and to select available curriculum alternatives (e.g., same sex groupings, physical activity choices, parental option for alternative delivery of Substance Use and Abuse Prevention and Human Sexuality strands).

In cases where there are difficulties in arriving at a suitable accommodation, *Implementation of Grades 11 and 12 Physical Education/Health Education: A Policy Document* (see [www.edu.gov.mb.ca/k12/docs/policy/imp\\_pehe/index.html](http://www.edu.gov.mb.ca/k12/docs/policy/imp_pehe/index.html)), page 11, allows for substitution of credits.

For students who cannot achieve the required credit or credits because of exceptional circumstances (e.g., unforeseen serious physical or medical limitation, religious beliefs...), the school administrator, in discussion with parents/guardians, can decide to substitute a maximum of two credits, as per school division policy and existing departmental policy. This substitution of credits will be monitored by the department.

## Participation in Daily Activities and Curriculum

### *Guidelines*

When parents and students request an accommodation related to school curricula or activities in which there is a clear, demonstrated conflict with their religious requirements, the school should engage in an informed discussion with the parents/guardians and students.

It is important that, during the discussion, the school communicate clearly that its role is to protect students and staff from harassment and discrimination that may arise because of the religious practices or requirements which distinguish the person or persons, and which may conflict with school routines and activities. Therefore, if curricula is in direct conflict with the religious requirements or practices, the school can consider and explore ways to accommodate the student or students; however, the accommodation of religious values and beliefs must not conflict with department policies or other laws and legislation with which schools are required to comply.

It is also important to recognize that when an individual requests an accommodation be made related to the curriculum, the accommodation is to apply to that individual in question and not to the class as a whole or to classroom practices in general.

The Department of Education and Training recommends the substitution of credits or courses when there are exemptions requested related to specific curriculum requirements.

In general, schools are encouraged to take an informed, open, respectful, and common-sense approach to questions related to conflicts of religion and curriculum. Generally, many questions and issues can be solved through open discussion between the teacher, the student, and the student's parents.

### LIMITATIONS TO RELIGIOUS ACCOMMODATION

While Manitoba strives to meet the needs of diverse students and families, it is important to recognize that religious accommodation in Manitoba's schools is carried out within the context of a non-sectarian or secular public education system. While the department is dedicated to creating a safe, inclusive, and caring school system free from religious discrimination, this freedom is not absolute. The department will limit practices or conduct in its schools that may put public safety, health, or the human rights and freedoms of others at risk.

Equally important, the department will limit practices or conduct in its schools that are in violation of other department or government policies.