In 1966 the United States Congress published the report on Equal Educational Opportunity. This important and controversial report was mandated by the passage of the *Civil Rights Act* of 1964. The report on Equal Educational Opportunity was a massive study of 650,000 students, 28,000 teachers and 4000 schools in various locations throughout the United States. The study, often referred to as the Coleman Report, because it was directed by sociologist James Coleman from John Hopkins University, was a landmark study because it changed the emphasis of education studies and education policy and was the root of effective schools research which is still a focus of education research today.

In 1982 Canada patriated its constitution with an entrenched *Charter of Rights and Freedoms* which some have argued moved us closer to an American model of jurisprudence with an emphasis on individual rights. That is a debate that continues but what is clear is that the *Charter of Rights and Freedoms*, because it is entrenched in our Constitution, is the supreme law of the land and therefore provides for judicial enforcement of the rights contained in it which in many ways is a process or model similar to what has existed in the United States.

There is little doubt that the Canadian *Charter of Rights and Freedoms* has provided for a new education legal framework in Canada. Also, it is quite clear that education is a provincial and territorial responsibility under our Constitution and prior to the *Charter* there were relatively few education cases dealt with by Canadian courts. However, since the proclamation of the *Charter* the number of education cases has increased exponentially and the Supreme Court of Canada, through a series of decisions, has been able to influence teaching and learning in every classroom in Canada. Prayer and Religious Expression in Schools, Freedom of Expression, Dress Codes, Search and Seizure, Detention, Suspension and Expulsion, School Closures, Special Education, Labor Relations, Minority Language Rights, Hate Speech are only some of the seminal cases that had to be determined by our highest court.

The controversial nature of the findings of Coleman at the time of the publication of his report and the exploration and dissemination of the data in the report continues to this day. His findings that the dominant variable that determined student achievement was socioeconomic status and that what schools did had little impact on student achievement was a disappointing finding especially for those involved in public education. His assertion that the most important school variable was the student’s peer group exacerbated the controversy further. Subsequently the report was the subject of a number of court cases in the United States some of which reached the United States Supreme Court. While his assertion that school variables did not really matter was reversed by subsequent research, his assertion regarding the importance of the socioeconomic variable, especially as a result of discrimination, is still valid today.

But what does all that have to do with us here in Canada? While there are similarities between our *Charter* and the American *Bill of Rights* enshrined in the first ten amendments to the United States Constitution, our *Charter* is indeed quite different. However, are there children in our country who are denied equal educational opportunity because of SES due to discrimination because of who they are? Do children in rural areas receive the same equal educational opportunities as children in urban areas? When we compare provinces and territories in Canada according to Gross Domestic Product and compare the GDP to their performance on international tests like the Programme for International Student Assessment (PISA) or the tests on Trends in International Mathematics and Science Study (TIMSS), can we conclude that some children are deprived of equal educational opportunity because of where they live?

If the answer to any of these questions is in the affirmative, does the *Charter* provide a vehicle for the courts to intervene to enforce a standard for equal educational opportunity for all children in Canada regardless of who they are or where they might live?

We now know that what schools do does matter and increased resources for schools can mitigate some of the negative aspects of socioeconomic status. Knowing that, do all students in Canada have access to those resources necessary to ensure equal educational opportunity?

While the arguments both legal and educational are complex and our neighbours to the south continue to struggle with the impact from Coleman, both legal and educational, it has been argued that our *Charter* is different, more modern and stronger than the United States Bill of Rights and is therefore more important for the future of Democratic countries. If that is the case do we now possess the legal instrument with the *Charter* to ensure equal educational opportunity for all children in Canada?

Is it now time in our country to begin an in depth legal and educational discussion regarding the importance of equal educational opportunity and the responsibility of our court system to ensure that every child has the opportunity to reach their full potential regardless of who they are and where they live? If we can ensure that there is equal educational opportunity for all children will we have a better opportunity for reducing the gaps in educational outcomes for many of our students? If we can do that then perhaps we can better illustrate how education is truly the cornerstone of our democracy and the *Charter* is the foundation on which it will continue to be built.

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