

The Registered Independent Schools Regulations

being

[Chapter E-0.2 Reg 27](#) (effective September 1, 2018).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER E-0.2 REG 27

The Education Act, 1995

PART 1

Preliminary Matters

Title

1 These regulations may be cited as *The Registered Independent Schools Regulations*.

Definitions

2 In these regulations:

“**accredited teacher**” means an independent school teacher who holds a certificate of accreditation issued pursuant to section 20; (« *enseignant agréé* »)

“**Act**” means *The Education Act, 1995*; (« *Loi* »)

“**alternative independent school**” means a registered independent school that is designated as an alternative independent school pursuant to section 9; (« *école indépendante alternative* »)

“**approved**” means approved by the minister; (« *approuvé* »)

“**associate school**” means a registered independent school that has an agreement with a board of education or the conseil scolaire to operate in association with the board of education or conseil scolaire; (« *école associée* »)

“**board**” means the board of an independent school; (« *conseil* »)

“**business day**” means a day other than a Saturday, Sunday or holiday; (« *jour ouvrable* »)

“**certificate of qualification**” means a valid certificate of qualification issued pursuant to Part 4; (« *certificat de qualification* »)

“**certificate of registration**” means a valid certificate of registration:

(a) issued pursuant to section 6; or

(b) deemed to have been issued pursuant to section 7 or 8; (« *certificat d'inscription* »)

“**course**” means a course of study; (« *cours* »)

“**director**” means a person appointed as director pursuant to section 15; (« *directeur administratif* »)

“**goals of education for Saskatchewan**” means the official goals of education prepared and published by the minister pursuant to clause 3(2)(d) of the Act; (« *buts de l'éducation pour la Saskatchewan* »)

“**historical high school**” means a registered independent school that is listed as a historical high school in section 8; (« *école secondaire historique* »)

“**independent school teacher**” means a person employed by the board of a registered independent school in accordance with these regulations to teach in the registered independent school; (« *enseignant d'école indépendante* »)

“**letter of eligibility**” means a valid letter of eligibility issued pursuant to section 18; (« *lettre d'admissibilité* »)

“**ministry**” means the ministry over which the minister presides; (« *ministère* »)

“**principal**” means a person appointed as principal pursuant to section 16; (« *directeur d'école* »)

“**program**” means a program of study; (« *programme* »)

“**pupil with intensive needs**” means a pupil who has been assessed as having a capacity to learn that is compromised by a cognitive, social-emotional, behavioural or physical condition; (« *élève à besoins particuliers* »)

“**qualified independent school**” means a registered independent school that holds a certificate of qualification; (« *école indépendante qualifiée* »)

“**registered independent school**” means:

- (a) an independent school that holds a certificate of registration; or
- (b) an associate school or historical high school that is deemed to hold a certificate of registration; (« *école indépendante inscrite* »)

“**registered teacher**” means a registered teacher as defined in *The Registered Teachers Act*; (« *enseignant inscrit* »)

“**religiously-based registered independent school**” means a registered independent school that:

- (a) is owned or operated by a non-profit corporation; and
- (b) has, as its primary objective, the advancement of education from a religiously-based philosophical perspective. (« *école indépendante inscrite confessionnelle* »)

18 May 2018 cE-0.2 Reg 27 s2.

Registration required

3(1) No independent school shall operate in Saskatchewan without holding a certificate of registration.

(2) An independent school that offers programs and courses at more than one location in Saskatchewan must hold a separate certificate of registration for each location.

18 May 2018 cE-0.2 Reg 27 s3.

Categories of independent schools

4 The following categories of registered independent schools are established:

- (a) registered independent schools;
- (b) associate schools;
- (c) historical high schools;
- (d) alternative independent schools;
- (e) qualified independent schools.

18 May 2018 cE-0.2 Reg 27 s4.

PART 2**Registration of Independent Schools****Application for registration**

5(1) An applicant may apply to the minister for a certificate of registration with respect to an independent school that:

- (a) is owned or operated by a corporation:
 - (i) that is incorporated or continued in Saskatchewan; and
 - (ii) that has a physical presence in Saskatchewan evidenced by the following:
 - (A) a school administration office located in Saskatchewan;
 - (B) a Saskatchewan postal address; and
 - (C) a Saskatchewan telephone number;
- (b) has a board that:
 - (i) exercises powers similar to those of a board of education; and
 - (ii) comprises a minimum of 3 adults representing 3 separate households;
- (c) subject to subsection (4), for the start of the next academic year, has enrolled at least 7 persons to attend the school:
 - (i) who have attained the age of 6 years but have not yet attained the age of 22 years;
 - (ii) who are from at least 3 separate households; and
 - (iii) the majority of whom are enrolled at a grade level higher than kindergarten;
- (d) meets all applicable fire, health and safety standards in relation to its school facilities located in Saskatchewan;
- (e) has goals of education that are, in the opinion of the minister, not inconsistent with the goals of education for Saskatchewan;
- (f) has a name that, in the opinion of the minister:
 - (i) is distinct from the names of other existing educational institutions;

- (ii) reflects the level of educational programming offered or proposed to be offered by the independent school; and
 - (iii) does not inaccurately reflect the location or geographical area to be served by the independent school;
 - (g) is not owned or operated by, or for the benefit of pupils from, an Indian band within the meaning of the *Indian Act* (Canada); and
 - (h) did not hold a certificate of registration that was suspended or cancelled within the 24 months preceding the date of application.
- (2) An application for a certificate of registration pursuant to this section must:
- (a) be in the form required by the minister;
 - (b) be submitted to the minister on or before the January 31 preceding the start of the academic year for which the certificate of registration is sought; and
 - (c) include the following information with respect to the independent school:
 - (i) the school's name;
 - (ii) the school's location;
 - (iii) the location of the school administration office, if different from the school's location;
 - (iv) the name of the owner of the school;
 - (v) if the operator of the school is not the owner, the operator's name;
 - (vi) the name of the chairperson of the board;
 - (vii) the name of the director of the school;
 - (viii) if the principal of the school is not the director, the principal's name; and
 - (ix) any other information that the minister may request respecting its educational activities and educational operations.
- (3) An independent school that intends to offer programs and courses at more than one location in Saskatchewan must submit a separate application for each location.
- (4) A registered independent school that, as at August 31, 2018, held a valid certificate of registration issued pursuant to *The Independent Schools Regulations* must:
- (a) subject to clause (b), for each academic year, enrol persons to attend the school who:
 - (i) have attained the age of 6 years but have not yet attained the age of 22 years;
 - (ii) are from at least 2 separate households; and
 - (iii) are enrolled at a grade level higher than kindergarten; and
 - (b) comply with clause (1)(c) for the academic year commencing in September 2022 and for each subsequent academic year.

Certificate of registration

- 6(1) On receipt of an application pursuant to section 5, the minister may issue a certificate of registration to the applicant, on any terms and conditions the minister considers advisable, if the minister is satisfied that:
- (a) the independent school meets the qualifications for registration set out in section 5; and
 - (b) the application is complete.
- (2) The minister shall consider each application made pursuant to section 5 in accordance with the principles of:
- (a) freedom of conscience and religion in education; and
 - (b) fundamental justice.
- (3) The minister may issue a certificate of registration before the date on which the independent school commences operations:
- (a) if the minister is satisfied that the independent school otherwise meets the qualifications for registration set out in section 5; and
 - (b) the independent school provides the minister with a written notice of intent to comply with these regulations on commencing operations.
- (4) The minister may issue a certificate of registration mentioned in subsection (3) that:
- (a) is conditional on the independent school commencing operations on September 1 of that year;
 - (b) is conditional on the independent school complying with these regulations on commencing operations; and
 - (c) has an effective date of September 1 of that year.
- (5) A certificate of registration authorizes the independent school to offer programs and courses at the location set out in the certificate of registration, in accordance with the terms and conditions pursuant to which the certificate of registration is issued.
- (6) No independent school shall offer programs and courses at a location not set out in the certificate of registration.

18 May 2018 cE-0.2 Reg 27 s6.

PART 3
**Associate Schools, Historical High Schools
and Alternative Independent Schools**

Associate schools

- 7(1) Every associate school, during the term of its agreement with a board of education or the conseil scolaire to operate in association with that board of education or the conseil scolaire:
- (a) is deemed to hold a certificate of registration; and
 - (b) subject to subsection (2), is subject to the provisions of these regulations as if the associate school had been issued a certificate of registration.

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- (2) Sections 15, 22, 23 and 24 do not apply to associate schools.
- (3) At the request of the minister, an associate school shall promptly provide the minister with a copy of its agreement with the board of education or the conseil scolaire.
- (4) If the agreement mentioned in subsection (1) is amended or terminated, the associate school shall immediately:
 - (a) give the minister written notice of that fact; and
 - (b) supply the minister with any information respecting the agreement or its amendment or termination that the minister may request.

18 May 2018 cE-0.2 Reg 27 s7.

Historical high schools

8 Each of the following historical high schools is a registered independent school, is deemed to hold a certificate of registration on the day on which these regulations come into force, and is subject to the provisions of these regulations as if it had been issued a certificate of registration pursuant to these regulations:

- (a) Athol Murray College of Notre Dame;
- (b) Briercrest Christian Academy;
- (c) Luther College (High School);
- (d) Lutheran Collegiate Bible Institute;
- (e) Rosthern Junior College.

18 May 2018 cE-0.2 Reg 27 s8.

Alternative independent schools

9(1) A registered independent school may apply to the minister to be designated as an alternative independent school if the registered independent school:

- (a) conforms to provincial curriculum policy, as determined by the minister, with respect to alternative education;
- (b) provides approved programs and approved courses in accordance with provincial curriculum policy, as determined by the minister;
- (c) in employing independent school teachers, employs only registered teachers;
- (d) is or has agreed to be supervised by:
 - (i) the ministry; or
 - (ii) an approved person;
- (e) in the opinion of the minister, subscribes to the goals of education for Saskatchewan;

- (f) accepts or proposes to accept as pupils those who are placed by:
 - (i) boards of education or the conseil scolaire;
 - (ii) boards of registered independent schools;
 - (iii) the Ministry of Social Services;
 - (iv) the Ministry of Justice;
 - (v) Indigenous Services Canada; or
 - (vi) with the approval of the minister, the pupil's parent or guardian; and
 - (g) offers or proposes to offer to pupils with intensive needs programs and courses that, in the opinion of the minister, are qualitatively different from regular programs and courses.
- (2) The minister may designate a registered independent school as an alternative independent school, on any terms and conditions the minister considers advisable, if the minister is satisfied that the registered independent school meets the qualifications for designation as set out in subsection (1).

18 May 2018 cE-0.2 Reg 27 s9.

PART 4

Qualified Independent Schools

Application for certification

10(1) A registered independent school may apply to the minister for a certificate of qualification as a qualified independent school if the registered independent school:

- (a) has lawfully operated as a registered independent school for at least 2 consecutive years immediately before making its application for a certificate of qualification;
- (b) is owned or operated by a non-profit corporation that is incorporated or continued in Saskatchewan;
- (c) notwithstanding subsection 30(3), conforms to provincial curriculum policy, as determined by the minister;
- (d) provides approved programs and approved courses in accordance with the provincial curriculum policy, as determined by the minister;
- (e) in employing independent school teachers, employs only registered teachers who hold a valid Professional A Teacher's Certificate issued pursuant to *The Registered Teachers Act*;
- (f) agrees to submit annual financial statements to the minister, in the form and within the period required by the minister;
- (g) keeps a full and accurate record of the proceedings, transactions and financial affairs of the registered independent school;
- (h) prepares or causes to be prepared any reports and returns concerning statistical data, budgetary information and the operation of the registered independent school that may be required from time to time by the minister;

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- (i) agrees to be supervised and inspected by ministry officials;
 - (j) complies with ministry policies and directives;
 - (k) in the opinion of the minister, subscribes to the goals of education for Saskatchewan; and
 - (l) does not have an associate school agreement with a board of education or the conseil scolaire.
- (2) An application for a certificate of qualification pursuant to this section must:
- (a) be in the form required by the minister; and
 - (b) include any information that the minister may request to consider the application.

18 May 2018 cE-0.2 Reg 27 s10.

Certificate of qualification

11(1) On receipt of an application pursuant to section 10, the minister may issue a certificate of qualification to the registered independent school if the minister is satisfied that:

- (a) the registered independent school meets the qualifications for certification set out in subsection 10(1); and
 - (b) the application is complete.
- (2) The minister may issue a certificate of qualification on any terms and conditions that the minister considers advisable.
- (3) A certificate of qualification certifies the registered independent school named in the certificate to be a qualified independent school in accordance with the terms and conditions of the certificate.
- (4) Qualified independent schools are eligible for operating grants pursuant to Part 4 of *The Education Funding Regulations, 2018*.

18 May 2018 cE-0.2 Reg 27 s12.

PART 5
Rejection of Application or
Suspension or Cancellation of Certificate

Interpretation of Part

12 In this Part, “**certificate**” means, as the case requires:

- (a) a certificate of registration; or
- (b) a certificate of qualification.

18 May 2018 cE-0.2 Reg 27 s12.

Rejection of application

13 If the minister rejects an application for a certificate, the minister shall provide the applicant with:

- (a) written notice of the rejection; and
- (b) written reasons for the rejection.

18 May 2018 cE-0.2 Reg 27 s13.

Suspension or cancellation of certificate

14(1) The minister may suspend or cancel a certificate if the minister is satisfied that:

- (a) the independent school named in the certificate:
 - (i) obtained the certificate through providing false or misleading information to the minister;
 - (ii) has contravened the Act or these regulations;
 - (iii) has breached a term or condition of its certificate; or
 - (iv) has ceased to meet the qualifications for the certificate; or
- (b) the suspension or cancellation of the certificate is necessary in the public interest.

(2) The minister shall not suspend or cancel a certificate without giving the holder of the certificate an opportunity to be heard.

(3) Notwithstanding subsection (2), if the minister considers it necessary in the public interest, the minister may immediately suspend or cancel a certificate but shall give the holder of the certificate an opportunity to be heard within 10 business days after the suspension or cancellation.

(4) If the minister suspends or cancels a certificate, the minister shall immediately provide the independent school with:

- (a) written notice of the suspension or cancellation; and
- (b) written reasons for the suspension or cancellation.

18 May 2018 cE-0.2 Reg 27 s14.

PART 6
School Staff

Director

15(1) The board of a registered independent school, other than an associate school, shall appoint a director for the registered independent school.

(2) The director shall be designated as the chief executive officer of the registered independent school.

(3) The board may appoint the principal of the registered independent school as the director of the registered independent school.

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- (4) The board shall determine the powers and duties of the director.
- (5) The director shall:
 - (a) comply with the duties determined by the board;
 - (b) be responsible for preparing and transmitting to the ministry any reports and returns that:
 - (i) the minister may request; and
 - (ii) relate to the registered independent school's educational activities and educational operations;
 - (c) be responsible for ensuring that the registered independent school is conducted in accordance with the Act, these regulations and the policies of the board; and
 - (d) be responsible for the general management of the registered independent school and its staff.

18 May 2018 cE-0.2 Reg 27 s15.

Principal

16(1) The board of a registered independent school shall appoint a registered teacher as the principal of the registered independent school.

(2) Notwithstanding the generality of subsection (1), the principal of each of the following registered independent schools must hold a valid Professional A Teacher's Certificate issued pursuant to *The Registered Teachers Act*:

- (a) an associate school;
- (b) a historical high school;
- (c) an alternative independent school;
- (d) a qualified independent school.

(3) Section 175 of *The Education Act, 1995* applies, with any necessary modification, to the office and duties of the principal of a registered independent school.

18 May 2018 cE-0.2 Reg 27 s16.

Teaching qualifications

17(1) The board of a registered independent school shall only employ as independent school teachers those persons who hold a valid:

- (a) Professional A Teacher's Certificate issued pursuant to *The Registered Teachers Act*;
- (b) Probationary B teaching certificate issued by the Saskatchewan Professional Teachers Regulatory Board;

- (c) temporary teaching permit issued by the Saskatchewan Professional Teachers Regulatory Board; or
 - (d) letter of eligibility, in the case of a religiously-based registered independent school.
- (2) The board may restrict employment of independent school teachers to those who share the faith and practice of the owner or operator of the registered independent school.

18 May 2018 cE-0.2 Reg 27 s17.

Letter of eligibility

- 18(1) The board of a religiously-based registered independent school may apply to the minister, in the form required by the minister, for the issuance of a letter of eligibility to a person who is 18 years of age or older and whom the board proposes to employ or retain to teach.
- (2) On receipt of an application pursuant to subsection (1), the minister may issue a letter of eligibility to the person named in the application.
- (3) A letter of eligibility:
- (a) authorizes the person named in the letter to teach in the religiously-based registered independent school at the location set out in the letter;
 - (b) is valid for 5 academic years or for any shorter period that the minister may determine, as long as the person named in the letter is continuously employed or retained by the board to teach in the religiously-based registered independent school at the location set out in the letter;
 - (c) is not transferrable to any other location or school; and
 - (d) is subject to any other terms and conditions that the minister considers appropriate.
- (4) The minister may refuse to issue a letter of eligibility to a person who:
- (a) has had a teacher's certificate suspended or cancelled by a Canadian education authority; or
 - (b) has been convicted under the *Criminal Code* of a sexual offence or an offence involving a minor.
- (5) If the minister rejects an application for a letter of eligibility, the minister shall provide the board with:
- (a) written notice of the rejection; and
 - (b) written reasons for the rejection.

18 May 2018 cE-0.2 Reg 27 s18.

Suspension or cancellation of letter

19(1) The minister may suspend or cancel a letter of eligibility if the minister is satisfied that:

- (a) the holder of the letter:
 - (i) obtained the letter by providing the minister with false or misleading information;
 - (ii) has contravened the Act or these regulations;
 - (iii) has breached a term or condition of the letter; or
 - (iv) has ceased to meet the qualifications for the letter; or
 - (b) the suspension or cancellation of the holder's letter of eligibility is necessary in the public interest.
- (2) The minister shall not suspend or cancel a letter of eligibility without giving the holder of the letter an opportunity to be heard.
- (3) Notwithstanding subsection (2), if the minister considers it necessary in the public interest, the minister may immediately suspend or cancel a letter of eligibility but shall give the holder of the letter an opportunity to be heard within 10 business days after the suspension or cancellation.
- (4) If the minister suspends or cancels a letter of eligibility, the minister shall immediately provide the holder of the letter and the applicable board with:
- (a) written notice of the suspension or cancellation; and
 - (b) written reasons for the suspension or cancellation.

18 May 2018 cE-0.2 Reg 27 s19.

Teacher accreditation

20(1) An independent school teacher may apply to the minister, in the form required by the minister, to become an accredited teacher.

- (2) On receipt of an application pursuant to subsection (1), the minister may issue a certificate of accreditation if:
- (a) the independent school teacher has taught in the registered independent school:
 - (i) for at least 1 academic year; and
 - (ii) in the subject area for which accreditation is sought;
 - (b) the independent school teacher meets the requirements for accreditation established by the ministry and set out in the ministry's policy statement on accreditation; and
 - (c) the independent school teacher is under the supervision of:
 - (i) the ministry; or
 - (ii) an approved person.

18 May 2018 cE-0.2 Reg 27 s20.

PART 7
Supervision and Inspection

Supervision

21(1) At the expense of the ministry, the minister shall cause to be supervised any registered independent school that requests supervision.

(2) The minister may appoint, designate, employ or approve as supervisors of registered independent schools only persons who meet the qualifications of director prescribed in section 17 of *The Education Regulations, 2015*.

(3) Supervision of a registered independent school by the ministry:

- (a) is an ongoing process aimed at improving instruction in the school; and
- (b) includes:
 - (i) inspection;
 - (ii) reviewing educational programming with, and enhancing the performance of, independent school teachers; and
 - (iii) an appreciation and recognition of the distinct philosophical orientation of each registered independent school.

(4) Supervision of a registered independent school by the ministry does not include supervision of the registered independent school's responsibility for:

- (a) the recruitment and dismissal of independent school teachers; or
- (b) the selection of the registered independent school's programs and courses.

18 May 2018 cE-0.2 Reg 27 s21.

Duties of minister

22(1) In this section, "**registered independent school**" does not include an associate school.

(2) The minister shall:

- (a) inform, in any manner the minister considers appropriate, registered independent schools of changes in curriculum policy and of curriculum development in Saskatchewan;
- (b) invite registered independent schools to participate in in-service training programs that relate to the implementation of new programs and courses and that are provided in accordance with clause 3(2)(f) of the Act;
- (c) ensure that the attendance provisions of the Act are met by pupils enrolled in registered independent schools.

18 May 2018 cE-0.2 Reg 27 s22.

Inspection

23(1) The minister shall cause all registered independent schools, other than associate schools, to be inspected.

(2) The minister may appoint, designate, employ or approve as inspectors of registered independent schools only persons who meet the qualifications of director prescribed in section 17 of *The Education Regulations, 2015*.

(3) Inspection of a registered independent school by the ministry:

(a) includes:

(i) examining and inspecting the financial condition or the administrative condition of the school or any other matter relating to the management, administration or operation of the school;

(ii) checking compliance with the Act, these regulations and the criteria for registration on an ongoing and collaborative basis with the school;

(iii) observing any aspect of the educational activities and educational operations in the school to protect the societal interest of educating the pupils in the school; and

(iv) an appreciation and recognition of the distinct philosophical orientation of each registered independent school; and

(b) may include non-directive and unobtrusive supervision of the educational operations of the school.

(4) Inspection of a registered independent school by the ministry does not include inspection of the school's responsibility for:

(a) the recruitment and dismissal of independent school teachers; or

(b) the selection of the school's programs and courses.

18 May 2018 cE-0.2 Reg 27 s23.

School to permit inspection and provide records

24 In accordance with section 358 of the Act and these regulations, every registered independent school, other than an associate school, shall:

(a) permit inspection by the ministry, at all reasonable times, of:

(i) the school's facilities;

(ii) the conduct of the school's educational activities and educational operations; and

(iii) all records in the possession or under the control of the registered independent school that relate to the activities and functioning of the registered independent school;

(b) submit an annual return, on the form provided by the minister, within the period required by the minister; and

- (c) promptly provide to the minister copies of any records or any information that:
- (i) are requested by the minister; and
 - (ii) relate to the activities and functioning of the registered independent school.

18 May 2018 cE-0.2 Reg 27 s24.

PART 8 Administration

Academic year and hours

25(1) Every registered independent school shall have:

- (a) an academic year that, in the opinion of the minister, is consistent with section 163 of the Act and section 28 of *The Education Regulations, 2015*; and
- (b) hours of instruction that, in the opinion of the minister, are consistent with the Act and *The Education Regulations, 2015*.

(2) The board of a registered independent school has the same powers as those of a board of education pursuant to section 163 of the Act.

18 May 2018 cE-0.2 Reg 27 s25.

Goals of education

26(1) Each registered independent school has the freedom to add to the goals of education for Saskatchewan and to define responsibility for their achievement among the school, the home, the church and the community.

(2) Subject only to such reasonable limits prescribed by law that can be demonstrably justified in a free and democratic society, clause 5(1)(e) is not intended to diminish or infringe on the religious conscience of the owner or operator of any registered independent school.

18 May 2018 cE-0.2 Reg 27 s26.

Approved program participation

27 A registered independent school may participate in approved programs for the education and training of teachers.

18 May 2018 cE-0.2 Reg 27 s27.

Grades of instruction

28(1) Unless the minister determines otherwise, every registered independent school, in each academic year, must provide, and have pupils enrolled in, at least 3 different grades of instruction, not including kindergarten.

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(2) Notwithstanding subsection (1), the rate of progress of any pupil or of any group of pupils in completing the work of any grade may be accelerated or decelerated, in the discretion of the independent school teacher but subject to the policies of the registered independent school.

18 May 2018 cE-0.2 Reg 27 s28.

Classification of pupils

29(1) Pupils are to be classified according to the grade of the level in which they are enrolled so that:

- (a) those enrolled in the Elementary Level are to be classified as engaged in studies of Grade 1, 2, 3, 4 or 5 of that Level;
- (b) those enrolled in the Middle Level are to be classified as engaged in studies of Grade 6, 7, 8 or 9 of that Level; and
- (c) those enrolled in the Secondary Level are to be classified as engaged in studies of Grade 10, 11 or 12 of that Level.

(2) Notwithstanding subsection (1), the director may authorize any variations in the classification of pupils as the director considers necessary in the circumstances.

18 May 2018 cE-0.2 Reg 27 s29.

Instruction

30(1) Each registered independent school shall provide instruction in the required areas of study, as determined by the minister.

(2) The instruction mentioned in subsection (1) must be:

- (a) appropriate for the age and ability of the pupils;
- (b) comparable in quality to that of schools administered by a board of education or the conseil scolaire; and
- (c) consistent with generally accepted teaching principles with respect to academic content and teaching methods.

(3) The board of a registered independent school may authorize and approve its own programs and courses in the required areas of study.

(4) An independent school teacher must be physically present in Saskatchewan when providing instruction to pupils of the registered independent school.

18 May 2018 cE-0.2 Reg 27 s30.

Approval of courses and programs

31(1) In this section:

“locally developed course” means a course that is:

- (a) developed by a board of education, the conseil scolaire or the board of a registered independent school; and
- (b) approved by the minister; (« *cours élaboré localement* »)

“**modified course**” means a course that is:

- (a) developed by the ministry and modified by a board of education, the conseil scolaire or the board of a registered independent school; and
 - (b) approved by the minister. (« *cours modifié* »)
- (2) The board of a registered independent school may submit to the minister for approval:
- (a) programs at the elementary and middle levels; and
 - (b) programs at the secondary level that include:
 - (i) locally developed courses;
 - (ii) modified courses;
 - (iii) regular courses originating from registered independent schools that:
 - (A) reflect the religious or philosophical base of the registered independent school; and
 - (B) are academically equivalent to provincially developed courses designated 10, 20 or 30.
- (3) A regular course originating from a registered independent school and approved by the minister qualifies pupils for secondary level credits on the same basis as provincially developed courses designated 10, 20 and 30.

18 May 2018 cE-0.2 Reg 27 s31.

Language of instruction

- 32(1)** Subject to subsection (2), English is the language of instruction in a registered independent school.
- (2) A language other than English may be the principal language of instruction in a registered independent school if:
- (a) the board passes a resolution declaring that language to be the principal language of instruction in the school; and
 - (b) the minister gives written approval to that resolution.

18 May 2018 cE-0.2 Reg 27 s32.

Religious instruction

- 33(1)** If authorized by the board of a registered independent school, non-credit religious instruction may be given for a period not exceeding 2.5 hours per week within the regular hours of instruction pursuant to clause 25(1)(b).
- (2) If a board passes a resolution in accordance with subsection 32(2), the religious instruction mentioned in subsection (1) may be given in a language other than English.
- (3) Notwithstanding any other provision of these regulations, non-credit religious instruction mentioned in subsection (1) may be provided by any person who meets the qualifications prescribed by the board.

18 May 2018 cE-0.2 Reg 27 s33.

E-0.2 REG 27 REGISTERED INDEPENDENT SCHOOLS**Eligibility for credit**

34 Without restricting the eligibility of a pupil to obtain secondary level credits in accordance with *The Education Regulations, 2015*, a pupil enrolled in a course in a registered independent school is eligible for secondary level credit in the course if:

- (a) the registered independent school has been lawfully in operation for at least one full academic year, unless this requirement is waived by the minister;
- (b) the minister has approved the course;
- (c) the teacher of the course:
 - (i) is a registered teacher; and
 - (ii) is physically present in the classroom with the pupils when instructing or supervising the instruction of the course; and
- (d) the instruction is under the supervision of:
 - (i) the ministry; or
 - (ii) an approved person.

18 May 2018 cE-0.2 Reg 27 s34.

Pupil records

35(1) In this section, “**registered independent school**” includes a former independent school that:

- (a) held a certificate of registration at any time within the 15 years before the date of a request for access to its pupil records pursuant to this section but has closed; and
 - (b) has informed the minister pursuant to subsection 39(4) that it has retained its pupil records.
- (2) Every registered independent school shall:
- (a) maintain for each enrolled pupil a record indicating:
 - (i) the pupil’s name and any other names by which the pupil is known;
 - (ii) the pupil’s address and telephone number;
 - (iii) the pupil’s sex and date of birth;
 - (iv) the name, address and telephone number of the pupil’s parent or guardian;
 - (v) the pupil’s citizenship; and
 - (vi) if a pupil is not entitled to remain permanently in Canada, the type of visa held by the pupil and its expiry date; and
 - (b) maintain records of pupil enrolment and attendance in a form acceptable to the minister.

- (3) Subject to subsection (4), each registered independent school shall keep confidential all records relating to a pupil.
- (4) Subject to subsection (5), each registered independent school shall grant access to records relating to a pupil to:
- (a) subject to clause (c), the pupil to whom the records relate and whose parent or guardian is in attendance when access is granted;
 - (b) the pupil's parent or guardian if the pupil to whom the records relate is not living independently of the parent or guardian;
 - (c) the pupil to whom the records relate if the pupil is:
 - (i) 16 or 17 years of age and living independently of his or her parents or guardian; or
 - (ii) 18 years of age or older;
 - (d) an official of the ministry duly authorized by the minister to have access;
 - (e) a person who is authorized by law to have access to the records;
 - (f) a school or a registered independent school if:
 - (i) in the case of pupil mentioned in clause (c), the pupil authorizes access to or the provision of information from the pupil's records; or
 - (ii) in the case of a pupil mentioned in clause (b), the parent or guardian authorizes access to or the provision of information from the pupil's records.
- (5) The board of a registered independent school may pass a resolution prescribing the conditions, including the hours and manner of inspection, under which the access mentioned in subsection (4) is to be granted.

18 May 2018 cE-0.2 Reg 27 s35.

Restrictive enrolment policy

36 The board of a registered independent school may follow a restrictive policy with respect to enrolment on the basis of sex, creed, religion, disability or educational philosophy if the school:

- (a) enrolls pupils of a particular sex, creed, religion or educational philosophy, exclusively;
- (b) in the case of religion:
 - (i) is operated by a religious order or society; and
 - (ii) has, as its primary objective, the advancement of education from a religiously-based philosophical perspective; or
- (c) enrolls pupils who have a disability.

18 May 2018 cE-0.2 Reg 27 s36.

E-0.2 REG 27 REGISTERED INDEPENDENT SCHOOLS**Discipline**

37 In accordance with subsection 152(1.1) of the Act, the use of any of the following forms of discipline on a pupil attending a registered independent school is prohibited:

- (a) a strap, cane or other physical object;
- (b) a hand or foot used in a manner meant to punish.

18 May 2018 cE-0.2 Reg 27 s37.

Prohibition

38(1) No person other than a registered independent school may refer to itself or advertise itself as a registered independent school.

(2) Subject to subsection (3), no person purporting to provide its pupils of compulsory school age with an exemption from attendance at a school pursuant to clause 157(1)(b) of the Act shall operate an independent school without being a registered independent school.

(3) No person who has applied to the minister for registration pursuant to section 5 is liable to prosecution pursuant to subsection (2) of this section for the period during which the minister considers the application and until the minister:

- (a) issues a certificate of registration; or
- (b) responds in writing pursuant to subsection 13(1).

(4) No person other than an alternative independent school shall refer to itself or advertise itself as an alternative independent school.

18 May 2018 cE-0.2 Reg 27 s38.

School closure or discontinuance of grade

39(1) Subject to subsections (2) to (5), the board of a registered independent school may:

- (a) close the school; or
- (b) discontinue one or more of the grades taught in the school.

(2) If a board proposes to close the school or discontinue one or more grades taught in the school pursuant to subsection (1), the director shall:

- (a) notify, in writing:
 - (i) the minister;
 - (ii) the director for the school division in which the registered independent school is situated; and
 - (iii) in the case of:
 - (A) closure of the school, the parent or guardian of each pupil enrolled in the school;
 - (B) discontinuance of a grade, the parent or guardian of each pupil enrolled in that grade of the school proposed to be discontinued; and
- (b) consult with the parents or guardians mentioned in subclause (a)(iii) with respect to educational services for the pupils.

- (3) The board may not close the school or discontinue any grade pursuant to subsection (1) less than 30 days after the date on which the minister and the director for the school division receive notice pursuant to subsection (2).
- (4) If a board closes the school or discontinues any grade, the board shall send a written notice to the minister:
- (a) confirming the closure or discontinuance; and
 - (b) in the case of closure, informing the minister that the owner or operator of the registered independent school:
 - (i) proposes to retain the pupil records required pursuant to section 35; or
 - (ii) requests the minister to provide for retention of the pupil records mentioned in subclause (i).
- (5) On receipt of a written notice confirming closure of a registered independent school pursuant to subsection (4), the minister:
- (a) shall cancel the school's certificate of registration, and section 14 does not apply to that cancellation; and
 - (b) if the minister is requested to provide for retention of pupil records pursuant to subclause (4)(b)(ii), shall cause the records to be placed for safekeeping with:
 - (i) the ministry;
 - (ii) another registered independent school; or
 - (iii) any other person, authority or body that the minister considers appropriate.

18 May 2018 cE-0.2 Reg 27 s39.

PART 9

Repeal, Transitional and Coming into Force

RRS c E-0.1 Reg 11 repealed

40 *The Independent Schools Regulations* are repealed.

18 May 2018 cE-0.2 Reg 27 s40.

Transitional

41 Every certificate of registration and certificate of qualification that was issued or deemed to have been issued pursuant to *The Independent Schools Regulations* and that was in force on the day before these regulations came into force is continued as, and may be dealt with as, a certificate of registration or as a certificate of qualification, as the case requires, issued pursuant to these regulations.

18 May 2018 cE-0.2 Reg 27 s41.

E-0.2 REG 27 REGISTERED INDEPENDENT SCHOOLS

Coming into force

42(1) Subject to subsection (2), these regulations come into force on September 1, 2018.

(2) If these regulations are filed with the Registrar of Regulations after September 1, 2018, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

18 May 2018 cE-0.2 Reg 27 s42.