

Saskatchewan Home-based Education: Policy and Procedures Manual

2016-17

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Introduction

Saskatchewan parents have a range of choices for their children's education, including the option of home-based education.

The Education Act, 1995 makes provisions for the registration of home-based education programs in Saskatchewan.

[*The Home-based Education Program Regulations*](#) (2015) and the *Saskatchewan Home-based Education Policy and Procedures Manual* provide the legal framework for the home-based education program.

The *Saskatchewan Home-based Education Policy and Procedures Manual* is a resource for school authorities, parents, guardians or caregivers, and other interested parties outlining the policies and procedures for the operation of a home-based education program.

The Home-based Education Program Regulations (2015) support government's priorities of higher student achievement and strong system-wide accountability and governance. Home-based education legislation recognizes that parents have both the responsibility to provide for the education of their children and the right to direct their children's education from their home. With these rights come responsibilities, and the *Saskatchewan Home-based Education Policy and Procedures Manual* will assist in providing understanding of these responsibilities.

A child's education program requires careful planning. Parents need to consider several factors including but not limited to:

- the child's interests and learning styles;
- the family's beliefs and values;
- available program options;
- time available to support a child's education; and
- legislative requirements.

It is important to have positive and ongoing communication and cooperation between the parent directing the home-based education program and the registering authority.

A chapter outlining the constitutional and legal context for home-based education is available upon request; contact programsed@gov.sk.ca.

In this document, regulations refer to *The Home-based Education Program Regulations, 2015* and manual refers to the *Saskatchewan Home-based Education Policy and Procedures Manual*

Section A: Registering Authorities Responsibilities

Establishing and Accessing Local Policies and Procedures

Authority	
<i>The Education Act, 1995</i>	<i>The Home-based Education Program Regulations, 2015</i>
<p>4(1) The minister may: (r) subject to the regulations, establish policies relating to the administration of registered home-based education programs by boards of education and the conseil scolaire;</p>	<p>3 Subject to these regulations and consistent with the policies established by the minister, every board of education and the conseil scolaire shall establish policies and procedures for:</p> <ul style="list-style-type: none"> (a) the registration of home-based education programs; (b) the renewal of the registration of home-based education programs; (c) the monitoring of registered home-based education programs; (d) the cancellation of the registration of home-based education programs; and, (e) the provision of services for home-based learners. <p>6(1) Every board of education and the conseil scolaire shall make the following services available to every home-based learner registered with it:</p> <ul style="list-style-type: none"> (a) home-based learner assessments; and, (b) education and training in the operation of motor vehicles pursuant to section 189 of the Act. <p>(2) Every board of education and the conseil scolaire shall develop policies with respect to those services that the board of education or the conseil scolaire is prepared to make available to home-based learners, including:</p> <ul style="list-style-type: none"> (a) participation in cultural and athletic activities, youth travel, outdoor education and similar activities pursuant to section 179 of the Act; (b) participation in programs of athletic and amateur sport pursuant to section 188 of the Act; (c) guidance and counseling services pursuant to section 191 of the Act; (d) services for pupils with intensive needs pursuant to section 178 of the Act; and (e) enrolment in distance-education opportunities. <p>9 On the request of any person, a board of education, the conseil scolaire or the ministry, as the case may be, shall provide the person with a copy of the following, free of charge:</p> <ul style="list-style-type: none"> (a) any policy or procedure that it has established with respect to home-based education; (b) any additional information that it has with respect to home-based education.

Within the provincial legal framework, it is intended that boards of education and the conseil scolaire develop their own policies and procedures in areas of their responsibility for home-based education. The intent of providing home-based educators with access to existing services, from among the services provided to other students in the school division, is to augment the educational experience of the pupils receiving instruction in home-based education programs.

Providing home-based educators with consultative services related to home-based education ensures that home-based educators have the assistance and support they need. Boards of education/conseil scolaire shall develop policies related to home-based education to foster mutual respect and promote harmonious relationships between home-based educators and the registering authority.

Policy Statements

- Boards of education and the conseil scolaire shall establish policies and procedures pursuant to Regulations 3 and 6 and also provide consultative services to the home-based educator.
- The policies and procedures shall ensure the privacy and confidentiality of home-based educators.
- Home-based educators have the responsibility to initiate communication regarding the policies and procedures established by the board of education/conseil scolaire.

Criteria to Register Home-based Education Programs

Authority	
<i>The Education Act, 1995</i>	<i>The Home-based Education Program Regulations, 2015</i>
<p>4(1) The minister may:</p> <p>(p) make provision for the registration of home-based education programs;</p> <p>(r) subject to the regulations, establish policies relating to the administration of registered home-based education programs by boards of education and the conseil scolaire;</p> <p>157(1) A pupil may be exempted from attendance at a school, and no parent, guardian or other person is liable to conviction for an offence pursuant to section 156 where:</p> <p>(c) the pupil is receiving instruction in a registered home-based education program;</p>	<p>3 Subject to these regulations and consistent with the policies established by the minister, every board of education and the conseil scolaire shall establish policies and procedures for:</p> <p>(a) the registration of home-based education programs;</p> <p>4(1) A parent who wishes to become a home-based educator shall give notice of his or her intention to register a proposed home-based education program to, as the case requires:</p> <p>(a) the board of education of the school division in which the pupil who is to be the home-based learner in the proposed home-based education program is entitled to attend school in accordance with the Act; or,</p> <p>(b) the conseil scolaire.</p> <p>(2) The notice mentioned in subsection (1) shall be made in accordance with:</p> <p>(a) any policies established by the minister; and,</p> <p>(b) any policies and procedures established by the board of education or the conseil scolaire, as the case may be.</p> <p>(3) At the time notice is given pursuant to subsection (1), the parent shall give the registering authority a written education plan that is consistent with the policies established by the minister.</p> <p>5 A board of education or the conseil scolaire, as the registering authority, shall register a home-based education program if it determines that the notice of intent mentioned in section 4 is in compliance with the Act, these regulations and the policies mentioned in that section.</p> <p>10 Subject to sections 14 and 19, the registration of the home-based education program pursuant to section 5 or 22 is valid until the end of the school year for which the registration is granted.</p>

Each registered home-based education program should meet certain requirements with the intent of providing the home-based learner with an exemption from compulsory attendance at a public school. The registration criteria relate to the structure and operation of a registered home-based education program.

School-based instruction in the home, initiated by and under the direction of a public or independent school – for health, intensive needs or locational reasons – does not represent a home-based education program.

Home-based educators must be intending to personally direct the home-based education program for their children. For home-based educators to be directing a home-based education program, they must be responsible for and involved in the education of their home-based learners.

While the home-based educators will be directing a home-based education program, the registering authority will be monitoring the program. The registering authority is not liable for anything done, or omitted, in good faith when registering, monitoring, or administering a home-based education program according to the regulations.

No aspect of the notice of intent is intended to diminish or infringe on parents' "right to direct their children's education at and from their home in accordance with their conscientious beliefs, subject only to such reasonable limits prescribed by law that can be demonstrably justified in a free and democratic society"¹. Conscientious beliefs mean sincerely held religious or philosophical beliefs.

Parents are required to meet the requirements for a registered independent school and to register with the Ministry of Education as a registered independent school if:

- Parents establish a school in their home for their own children as well as for children from other families; or,
- A group of parents hire a teacher to teach their children in one of the families' homes.

Policy Statements

- Parents who elect to provide home-based education programs for their own children of compulsory school age (age 7 to 15 inclusive) are required:
 - to meet the registration criteria contained in the regulations; and,
 - to notify the appropriate registering authority before commencing their program(s) in order to have their program(s) registered (refer to *Notice of Intent to Home-school*, p. 32).
- The registration criteria contained in the regulations are the maximum requirements with which parents must comply to have their program registered. A registering authority may not impose additional requirements, not contained in the regulations, before registering a home-based education program.
- Parents who elect to provide home-based education programs for their own children aged 6, 16, or 17 (i.e. not of compulsory school age), and who meet the registration criteria contained in the regulations, are entitled to have their programs registered with a registering authority.
- The registration of a home-based education program does not:
 - award eligibility of the home-based learner for secondary level credits or secondary level standing; or,
 - establish the grade, level, or year in which the home-based learner is entitled to be enrolled in a public or independent school.
- When registering students less than 7 years of age, boards of education shall have the option to follow their established practices for enrolling pupils in Grade 1.

¹ Saskatchewan Education, *Advisory Committee on Home-based Education, Final Report to the Deputy Minister of Education*, Volume I, Oct 1992, p. 34.

Registration Process of Home-based Education Programs

Authority	
<i>The Education Act, 1995</i>	<i>The Home-based Education Program Regulations, 2015</i>
<p>4(1) The minister may:</p> <p>(p) make provision for the registration of home-based education programs;</p> <p>(r) subject to the regulations, establish policies relating to the administration of registered home-based education programs by boards of education and the conseil scolaire;</p>	<p>3 Subject to these regulations and consistent with the policies established by the minister, every board of education and the conseil scolaire shall establish policies and procedures for:</p> <p>(a) the registration of home-based education programs;</p> <p>5 A board of education or the conseil scolaire, as the registering authority, shall register a home-based education program if it determines that the notice of intent mentioned in section 4 is in compliance with the Act, these regulations and the policies mentioned in that section.</p> <p>8(1) In this section, “official” means an individual:</p> <p>(a) who is employed by a board of education or the conseil scolaire; and,</p> <p>(b) who is not engaged as a teacher, vice-principal or principal in a school.</p> <p>(2) No board of education nor the conseil scolaire shall delegate to any official any powers granted to or responsibilities imposed on the board of education or the conseil scolaire pursuant to these regulations unless the official holds a valid teacher’s certificate issued pursuant to <i>The Registered Teachers Act</i>.</p> <p>(3) The exercise of the powers or the fulfilment of the responsibilities by the official to whom the powers or responsibilities are delegated in accordance with subsection (2) is deemed to be the exercise of those powers or the fulfillment of those responsibilities by the board of education or the conseil scolaire, as the case may be.</p> <p>10 Subject to sections 14 and 19, the registration of the home-based education program pursuant to section 5 or 22 is valid until the end of the school year for which the registration is granted.</p>

The registration of a home-based education program represents a determination by the registering authority that the parents have complied with the registration criteria for a home-based education program. It does not represent approval by the registering authority of the home-based education program.

To ensure consistency throughout its jurisdiction, each registering authority shall designate one official to be responsible for the registration and monitoring of home-based education programs.

A registering authority is responsible to ensure the compelling interest of the state is met in the education of home-based learners who are registered in home-based education programs, according to *The Education Act, 1995* and *The Home-based Education Program Regulations (2015)* and policies.

Policy Statements

- Each registering authority shall designate one official to be responsible for the registration and the monitoring of home-based education programs within its jurisdiction. This person may not be assigned responsibility for home-based education as part of their duties as a principal, vice-principal or teacher.
- The registering official shall follow the registering procedures as outlined. The home-based education program is registered when the registering official signs and provides a written response, to the parent who provided the *Notice of Intent to Home-school*, indicating the home-based education program is registered.
- The registering official shall consider each *Notice of Intent to Home-school* from a parent concerning a home-based education program according to the principles of:
 - freedom of conscience and religion in education; and,
 - fundamental justice.
- A registering authority may not refuse to register a home-based education program on the grounds that a parent failed to comply with the timelines and the parent made a reasonable attempt to comply.
- Failure of the parent to schedule or attend a conference shall not be grounds to deny the registration of a home-based education program.
- If a registering authority has registered a home-based education program the registration is valid until the end of the school year for which the registration was granted and is renewed annually.
- If the registering authority does not register the home-based education program, the parent who provided the *Notice of Intent to Home-school* has the right to access the dispute resolution process (see *Accessing the Registering Authority's Mediation Process*, p. 49).

Procedure

- Before registering the home-based education program, the registering official may request a conference with the parent who provided the *Notice of Intent to Home-school* (see p. 32) to discuss matters related to the notice and the home-based education program.
- Within 30 days, of receiving the *Notice of Intent to Home-school*, the registering authority shall:
 - review the *Notice of Intent to Home-school* and determine that the notification complies with the Act, the regulations and the policies;
 - register the home-based education program; and,
 - notify, in writing, to the parent who provided the *Notice of Intent to Home-school* that the home-based education program has been registered.
- If the registering authority determines that the *Notice of Intent to Home-school* is not in compliance with the Act, the regulations or the policies, the registering authority shall, within 30

days, give the parent who provided the *Notice of Intent to Home-school*, a written response and details of the non-compliance.

- Within 15 days of receiving the written response of non-compliance from the registering authority, the parent may either:
 - supply additional information in writing or otherwise rectify the non-compliance; or,
 - arrange a conference to discuss the matter where either the additional information may be supplied or the matter may otherwise be resolved.

- If the parent does not supply the additional information or correct the non-compliance, or if the registering authority determines that the notice is still not in compliance with the Act, the regulations and the policies, the registering authority shall:
 - provide written notification to the parent that it intends not to register the program with reasons why the program cannot be registered; and,
 - inform the parent of the mediation resolution process (see p. 28).

Compulsory Services: Home-based Learner Assessments

Authority
<i>The Home-based Education Program Regulations, 2015</i>
6(1) Every board of education and the conseil scolaire shall make the following services available to every home-based learner registered with it: (a) home-based learner assessments;

Home-based education programs are philosophically and structurally diverse. Some support regular testing of a home-based learner's educational progress and others do not. Home-based learner assessments, including standardized testing, should be regarded primarily as a service boards of education/conseil scolaire provide home-based educators, at the request of home-based educators.

Home-based assessments, including standardized tests, can provide useful information to home-based educators to make instructional adjustments to a home-based learner's educational program, and should be used appropriately.

Home-based educators are qualified to provide instruction to their children. Since assessment is part of the instructional process, home-based educators are also qualified to choose and use assessment methods, including standardized tests. There are a variety of standardized tests, some specify strict qualification requirements and conditions for the administration of the standardized test and others do not. By ensuring that home-based educators meet the qualifications (according to the test instructions) to administer, determine and interpret the results of the test, the integrity of the individual standardized tests will be protected.

Registering authorities should be able to initiate and administer assessments under certain circumstances as outlined in policy.

A board of education/conseil scolaire is not expected to purchase test batteries it does not normally administer in its school division. For home-based learners, boards of education/conseil scolaire should use assessments that are normed on individual situations, as opposed to group or classroom situations.

As with all pupils, upon entry and/or re-entry into the public education system, public school principals shall place incoming home-based learners at the appropriate grade level in a fair and equitable manner.

Any interpretation and use of standardized test results should be appropriate to the nature of the particular test in the context of a home-based learner assessment.

Policy Statements

- At the request of the home-based educator who is directing a home-based education program, each board of education/conseil scolaire shall provide one standardized achievement test for each home-based learner in each school year.

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- A board of education/conseil scolaire shall determine, at its discretion, whether additional home-based learner assessments will be provided if requested by the home-based educator.
 - The board of education/conseil scolaire shall accept home-based assessments, including standardized tests, that are administered and interpreted (according to the regulations and policies) by a home-based educator, or another person, at the expense of the home-based educator, provided that:
 - the home-based educator, or other person, meets the qualifications required by the specific assessment tool; and,
 - the home-based educator provides the registering authority evidence of the qualifications of the person administering and interpreting the assessment tool.
 - A board of education/conseil scolaire shall not administer a particular standardized test if:
 - it has not previously administered the particular test in its school division to pupils enrolled in schools;
 - the registering authority has not indicated to the home-based educator, prior to the test, the purpose of the test, including the potential use of the test results;
 - the population norm of the particular test does not account for the social or cultural background of the home-based learner; or,
 - the particular test conflicts with the conscientious beliefs of the home-based educator as expressed in the written education plan, unless the test is included in policies established by the board according to Regulation 6.
 - If the standardized test is administered and interpreted by the board of education/conseil scolaire, the registering authority shall provide the home-based educator with the results of the test and an interpretation of the results after the testing has occurred.
 - The registering official shall have the option to initiate a home-based learner assessment, which may include standardized tests:
 - as part of an improvement plan (see p. 23);
 - at the entry and/or re-entry of a home-based learner into a public school to assist with the placement of the home-based learner in the appropriate grade; or,
 - as part of an assessment for a home-based learner who may have intensive needs (see p. 17).
 - The home-based learner assessment shall be taken at a location that:
 - is chosen by the home-based educator and is acceptable to the registering authority; and,
 - meets the standards for the administration of the home-based learning assessment.
 - At the time of initial registration of a home-based education program, a board of education/conseil scolaire shall not require the administration of home-based learner assessment as a condition of initial registration.
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Compulsory Service: Driver Education

Authority		
<i>The Education Act, 1995</i>	<i>The Education Regulations, 2015</i>	<i>The Home-based Education Program Regulations, 2015</i>
<p>189 Subject to the regulations, every school division and the conseil scolaire shall make provision for education and training in the elements of safety and competence in the operation of motor vehicles, for pupils who are eligible.</p>	<p>49(1) For the purposes of section 189 of the Act, a board of education and the conseil scolaire shall only offer a driver education and training program that is approved by the person designated as administrator pursuant to <i>The Traffic Safety Act</i>.</p> <p>(2) Every board of education and the conseil scolaire shall retain an official record of pupil participation in the driver education and training program offered in its schools.</p> <p>(3) Every board of education and the conseil scolaire shall submit to the minister at least once each year, in the form required by the minister, a record of every pupil who participates in the driver education and training program offered in its schools.</p>	<p>3 Subject to these regulations and consistent with the policies established by the minister, every board of education and the conseil scolaire shall establish policies and procedures for:</p> <p>(e) the provision of services for home-based learners.</p> <p>6(1) Every board of education and the conseil scolaire shall make the following services available to every home-based learner registered with it:</p> <p>(b) education and training in the operation of motor vehicles pursuant to section 189 of the Act.</p>

Driver education is a requirement by Saskatchewan Government Insurance (SGI) and is currently funded provincially. Consistent access to driver education for all eligible pupils in the province is equitable.

Policy Statements

- Home-based educators are responsible to initiate communication with the board of education or the conseil scolaire regarding driver education:
 - by indicating on their *Notice of Intent to Home-school* that they are requesting this service from the services provided by the school division or the conseil scolaire; or,
 - according to any policy or procedure established by the board of education or the conseil scolaire.
- The boards of education/conseil scolaire shall provide driver education to home-based students in the same manner offered to school-based students, or in the manner proposed by the home-based educator and acceptable to the board/conseil scolaire.

Optional Services: Learning Resource Materials

Authority
<i>The Home-based Education Program Regulations, 2015</i>
<p>6(2) Every board of education and the conseil scolaire shall develop policies with respect to those services that the board of education or the conseil scolaire is prepared to make available to home-based learners, including:</p> <ul style="list-style-type: none">(a) participation in cultural and athletic activities, youth travel, outdoor education and similar activities pursuant to section 179 of the Act;(b) participation in programs of athletic and amateur sport pursuant to section 188 of the Act;(c) guidance and counselling services pursuant to section 191 of the Act;(d) services for pupils with intensive needs pursuant to section 178 of the Act; and(e) enrolment in distance-education opportunities. <p>15 A home-based educator:</p> <ul style="list-style-type: none">(b) is responsible for the education of the home-based learner in accordance with the written education plan or improvement plan, as the case may be.

Home-based educators are responsible for the education of the home-based learner, which includes selecting programs and learning resources. Boards of education/conseil scolaire may provide learning resource materials to enhance the home-based education program.

Policy Statements

- The registering authority is not responsible for the hiring of tutors or for the selection of programs, courses, textbooks and other learning resource materials for the registered home-based education program or home-based learner.
- The registering authority may, if requested by a home-based educator, provide courses, textbooks, other learning resource materials and information to a home-based educator.
- To access potential learning resource materials, home-based educators shall follow the policies and procedures developed by the registering authority.

Optional Services: Supporting Secondary Credits

Authority
<i>The Home-based Education Program Regulations, 2015</i>
6(2) Every board of education and the conseil scolaire shall develop policies with respect to those services that the board of education or the conseil scolaire is prepared to make available to home-based learners, including: (a) participation in cultural and athletic activities, youth travel, outdoor education and similar activities pursuant to section 179 of the Act; (b) participation in programs of athletic and amateur sport pursuant to section 188 of the Act; (c) guidance and counselling services pursuant to section 191 of the Act; (d) services for pupils with intensive needs pursuant to section 178 of the Act; and (e) enrolment in distance-education opportunities

The Ministry of Education does not recognize home-based education programs towards the credit requirements for secondary level completion. Registering authorities may support home-based learners in earning secondary level credits.

Policy Statements

- Registering authorities may provide services to home-based educators related to home-based learners acquiring secondary credits including any of the following:
 - sending a letter of request to the Independent Schools and Home-based Education (ISHBE), Ministry of Education, requesting permission for a home-based learner to challenge departmental exams at an earlier age (minimum 15 years of age). The letter of request acknowledges the home-based learner has covered the course material and evidence is provided along with the written education plan;
 - granting permission for home-based learners to take courses at a secondary school in the school division/conseil scolaire; or,
 - evaluating, usually through school staff, the home-based learner's knowledge and skills based on a course the home-based learner has taken:
 - from an educational institution outside of Saskatchewan that is not recognized by its provincial officials; or,
 - as part of the home-based education program.

Additional Supporting Documents

- To graduate from secondary school (grades 10 through 12), a student must register in and complete 24 credits from programs recognized by the Ministry of Education. There are specific required courses and elective courses. For more information see [The Registrar's Handbook: Principles of Core Curriculum](#) (section 1.1).
- Adults can complete a high school standing under the Adult 12 policy which allows adult students (18 years of age and out of school for at least one year) to complete seven credits (five must be at the 30 level; the math and science requirement may be at the 20 or 30 level). An Adult Grade 12 is considered equivalent to a regular Grade 12 standing and is recognized by colleges and universities for admission. See [The Registrar's Handbook](#) for an Adult 12 program.

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- Adult students (18 years of age and out of school for one year) are allowed to earn credits by challenging Grade 12 departmental exams for 100 percent of the final mark. (See Adult Secondary Completion [Adult 12] Policy at www.economy.gov.sk.ca/abe). Home-based learners challenge departmental examinations under this policy.
 - In exceptional circumstances, permission may be granted to home-based students to challenge departmental exams at an earlier age (minimum 15 years of age).
 - An official from the school division in which the home-based student is registered must send a letter of request and accompanying documentation to Independent Schools and Home-based Education, Ministry of Education.
 - The cover letter should include what departmental exam the student is challenging, the date of the exam and the location.
 - Education plans for home-based learners will be required to accompany all future letters of requests for exceptional circumstances.
 - The letter of request acknowledges that the student has covered the course material and evidence is provided to the ministry that the student is able to challenge the departmental exam.
 - The Ministry may request a written summary of the teacher's evaluation of student work to support the request to challenge a departmental examination.
 - Ministry staff will evaluate the request and communicate the decision to the student challenging the departmental exam.
 - If permission is not granted, the applicant can appeal the departmental challenge decision to the Office of the Registrar.
 - Credit will be granted pursuant to the Adult Secondary Completion (Adult 12) Policy.
 - Adults wishing to complete courses under the Adult 12 policy can go to a number of post-secondary locations that include the Saskatchewan Polytechnique campuses, the regional colleges, the Dumont Technical Institute (DTI) and the Saskatchewan Indian Institute of Technology (SIIT).
 - Although the individual GED tests are not recognized towards Saskatchewan secondary level credits, Saskatchewan does provide a Grade 12 High School Equivalency Diploma for adults who have successfully completed the GED tests (reading, writing, social studies, mathematics and science). To write the required tests, a person must be 18 years of age and a resident of Saskatchewan. Saskatchewan Polytechnique campuses, regional colleges and some community based organizations (CBO's) offer courses to help students prepare for the GED tests. Individuals can also prepare at home by using a self study guide available in most book stores and public libraries.
 - The GED diploma is accepted by most employers and some post-secondary institutions (e.g. Saskatchewan Polytechnique recognizes GED for many courses). Saskatchewan universities do not recognize the GED to meet required prerequisites for direct admission; however, it is considered as part of the criteria for the mature admissions policy.
 - For courses completed through a school that is approved and recognized by its provincial or state ministry of education, the Ministry of Education will evaluate the program based on the official transcript and the student may receive credit (standing granted).
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Optional Services: Distance Education

Authority	
<i>The Education Act, 1995</i>	<i>The Home-based Education Program Regulations, 2015</i>
<p>4(1) The minister may:</p> <p>(r) subject to the regulations, establish policies relating to the administration of registered home-based education programs by boards of education and the conseil scolaire;</p>	<p>3 Subject to these regulations and consistent with the policies established by the minister, every board of education and the conseil scolaire shall establish policies and procedures for:</p> <p>(e) the provision of services for home-based learners.</p> <p>6(2) Every board of education and the conseil scolaire shall develop policies with respect to those services that the board of education or the conseil scolaire is prepared to make available to home-based learners, including:</p> <p>(e) enrolment in distance-education opportunities.</p>

Access to provincial distance learning opportunities may enhance a home-based education program. Providing comparable access to distance education learning to home-based learners will provide consistency and equity throughout the school division/conseil scolaire.

Policy Statements

- If a board of education/conseil scolaire provides distance education to students enrolled in their schools, home-based educators shall have access, on behalf of their home-based learners, to distance education in the same manner as students registered in their schools.
- Home-based educators shall contact the registering official regarding the policies and procedures established by the board of education/conseil scolaire related to accessing distance education.
- Home-based educators shall register their home-based learners for distance education through the board of education/conseil scolaire in which they are registered.
- Home-based learners that are registered with the Ministry of Education shall have access to distance learning opportunities provided within the province at the expense of the home-based educator.

Home-based Learners with Intensive Needs

Authority
<i>The Home-based Education Program Regulations, 2015</i>
6(1) Every board of education and the conseil scolaire shall make the following services available to every home-based learner registered with it: (a) home-based learner assessments; (2) Every board of education and the conseil scolaire shall develop policies with respect to those services that the board of education or the conseil scolaire is prepared to make available to home-based learners, including: (d) services for pupils with intensive needs pursuant to section 178 of the Act;

Home-based learners with intensive needs may require educational services that home-based educators cannot be expected to provide without support from the board of education/conseil scolaire. Since pupils with intensive needs are unique, the obligations which the regulations and provincial policies place on boards of education/conseil scolaire should also be unique. The intent is that the assessment of pupils with intensive needs should be the responsibility of public authorities, whether pupils are receiving their education at school or at home.

An intensive needs assessment is meant to assist the home-based educator who has home-based learners with intensive needs. The assessment may determine the pattern of strengths that the home-based learner possesses that could be used as the basis for appropriate instructional adjustments to the learner's home-based education program.

To meet the compelling interest of the state in the education of all children, under certain circumstances public authorities should also be able to initiate and administer home-based learner assessments to determine intensive needs.

Home-based learners who have intensive needs are eligible for inclusion in the board of education/conseil scolaire's prevalence rates for Supports for Learning (SFL) funding according to *The Education Act, 1995* and the regulations. As with all pupils with intensive needs, unless qualified people are involved in the intensive needs assessment, the pupils will not be included in the board of education/conseil scolaire's prevalence rates for SFL funding.

When an intensive needs assessment has been conducted, the home-based educator remains responsible to make the appropriate instructional adjustments to the home-based learner's program during the school year or when renewing the registration of the program. If the home-based educator does not make the appropriate adjustments, the registration of the program may potentially not be renewed or may be cancelled.

Policy Statements

- When the home-based educator can show the need for the intensive needs assessment, the board of education/conseil scolaire shall provide or arrange for an assessment of a home-based learner.
- A board of education/conseil scolaire shall have the option to initiate an intensive needs assessment of a home-based learner:
 - as part of an improvement plan; or,

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- if the board/conseil scolaire reasonably believes that:
 - the home-based learner has a capacity to learn that is compromised by a cognitive, social-emotional, behavioural or physical condition; or,
 - the home-based educator is not already taking appropriate measures to provide an educational program appropriate for the age and ability of the home-based learner.
 - Prior to the assessment, the board of education/conseil scolaire shall indicate to the home-based educator the purpose of the assessment, including the potential use of the assessment results.
 - An intensive needs assessment shall occur at a location that:
 - is chosen by the home-based educator and is acceptable to the board/conseil scolaire; and,
 - meets the standards for the administration of the assessment.
 - The home-based educator shall be responsible for any transportation and accommodation costs of the home-based learner and escort that may be associated with the intensive needs assessment.
 - After an intensive needs assessment has been conducted, the appropriate board/conseil scolaire personnel shall:
 - provide the home-based educator with the results and an interpretation of the results of the assessment; and,
 - discuss with the home-based educator what instructional adjustments, if any, the home-based educator should make to the educational program of the home-based learner.
 - Each board of education/conseil scolaire shall develop policies with respect to:
 - which services it is prepared to make available to home-based learners with intensive needs from among the services that the board already provides to other students with intensive needs in the school division/conseil scolaire; and,
 - how home-based educators can access, on behalf of their home-based learner with intensive needs, the services that the board or conseil scolaire is prepared to make available.
 - The board of education/conseil scolaire officials shall have the option of providing support services to the parents in developing a personal program plan or to access other appropriate intensive needs services in the school division/conseil scolaire.
 - Early entrance for home-based education programs shall be provided according to the board of education/conseil scolaire's policies related to services for pupils with intensive needs.
 - The home-based educator shall have the option, within 15 days after being notified of the decision of the board/conseil scolaire to initiate an intensive needs assessment for a home-based learner, to refer the matter to the dispute resolution process by giving written notice to the board/conseil scolaire.
 - Personnel conducting intensive needs assessments shall meet the requirements according to *The Education Act, 1995* and the regulations.
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Monitoring Home-based Education Programs

Authority	
<i>The Education Act, 1995</i>	<i>The Home-based Education Program Regulations, 2015</i>
<p>4(1) The minister may: (q) make provision for the monitoring of registered home-based education programs;</p>	<p>12(1) Every registering authority shall monitor all registered home-based education programs registered with it: (a) to assess compliance with the Act, these regulations and the policies and procedures mentioned in subclauses 15(a)(ii) and (iii); and (b) to assess the progress of the home-based learner in relation to: (i) the written education plan; and (ii) the home-based learner's age and ability. (2) If the registering authority determines that a home-based educator is not in compliance with the Act, these regulations or the policies and procedures mentioned in subclauses 15(a)(ii) and (iii), the registering authority shall contact the home-based educator to discuss the steps to be taken by the home-based educator to ensure compliance. (3) If the registering authority determines that a home-based learner is not making satisfactory educational progress in relation to the written education plan, the registering authority shall: (a) provide evidence to the home-based educator of the lack of satisfactory progress; and (b) contact the home-based educator to discuss establishing an improvement plan.</p> <p>15 A home-based educator: (a) shall comply with: (i) the Act and these regulations; (ii) any policies established by the minister; and (iii) if the home-based education program is registered with a board of education or the conseil scolaire, the policies and procedures established by the board of education or the conseil scolaire; and (b) is responsible for the education of the home-based learner in accordance with the written education plan or improvement plan, as the case may be.</p>

The monitoring of registered home-based education programs by board of education/conseil scolaire officials represents the way in which the state is protecting its compelling interest in the education of the children who are receiving instruction in home-based education programs.

In the case of an alleged failure of home-based educators to provide an adequate education for their home-based learners, the burden of proof resides with the public authority. The board of education/conseil scolaire official must have reasonable access to information about the progress of the home-based learner to support a concern that a specific program might not be appropriate for the age and ability of a particular learner.

The monitoring of home-based education programs must recognize:

- the philosophical and operational diversity of home-based education programs; and,
- the distinct philosophical approach and the written education plan of each home-based education program.

Because home-based education programs are philosophically and structurally diverse, monitoring shall focus on educational outcomes rather than on educational processes. The definition and the practice of monitoring must be consistent with the *Charter of Rights and Freedoms, 1982*, as interpreted by the courts, as well as other legal principles and provisions.

Regulations and policies with respect to monitoring should balance the respective rights and interests of home-based learners, their parents, and the state in the education of all children. The intent of the regulations and policies is to prescribe the maximum legal responsibilities of boards of education/conseil scolaire and the maximum legal requirements of home-based educators. Beyond these maximums, boards of education/conseil scolaire and home-based educators retain the freedom to enter into mutually agreeable arrangements, including conferences and home visits, that will enhance the education of learners on home-based education programs.

The policy provides clarification to board of education/conseil scolaire officials who have the authority to enter the home of a pupil. In the case of a registered home-based education program, board of education/ conseil scolaire officials, in their capacity as public administrators of the home-based education regulations and policies, have no authority under *The Education Act, 1995* to enter the dwelling of a home-based educator, without the consent of the home-based educator.

In the case of a parent who is educating their child at home and is not registered with a board of education/conseil scolaire, a local attendance counselor does have the authority to enter the dwelling of the parents. The attendance counselor must obtain a warrant to this effect from a magistrate or justice of the peace.

Policy Statements

- Monitoring shall respect the written education plan of each home-based education program.
 - Without the consent of the home-based educator, officials shall not supervise a home-based education program on-site.
 - For each home-based learner on their program, all home-based educators shall:
 - maintain a portfolio of student work (see p. 42); and,
 - send an annual student progress report to their board of education/conseil scolaire (see p. 44).
 - When monitoring registered home-based education programs, the registering board of education/conseil scolaire official shall assume that the home-based learners are making satisfactory educational progress unless there is evidence to the contrary.
 - If the registering authority determines that the home-based educator has failed to provide, in the annual student progress report, information agreed to in the written education plan, the registering authority shall give the home-based educator written notice and the details of the non-compliance.
 - If the registering authority gives the home-based educator notice and details of non-compliance related to the annual student progress report, the home-based educator must provide the
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information or otherwise rectify the non-compliance within 15 days of receiving the written notice.

- If the home-based educator does not supply the additional information or rectify the non-compliance after notice, or if the registering official determines that the additional information still does not comply with what was agreed to in the written education plan, the registering authority shall, within 15 days:
 - notify the home-based educator in writing that the board of education/conseil scolaire intends to cancel the home-based education program,
 - provide reasons why the program will be cancelled; and,
 - inform the home-based educator of the dispute resolution process according to the regulations and policies (see p. 28 and Section C).
- If it is determined that a home-based learner is not making satisfactory educational progress on a home-based education program, the home-based educator and the home-based learner shall have the opportunity, by means of a home-based education improvement plan (see p. 23), to improve the home-based learner's educational progress before the program is cancelled.
- Boards of education shall review requests for amendments to a written education plan in accordance with policies and procedures for reviewing the original written education plan (see p. 35).

Home-based Education Improvement Plan

Authority	
<i>The Education Act, 1995</i>	<i>The Home-based Education Program Regulations, 2015</i>
<p>4(1) The minister may: (q) make provision for the monitoring of registered home-based education programs;</p>	<p>12(1) Every registering authority shall monitor all registered home-based education programs registered with it: (a) to assess compliance with the Act, these regulations and the policies and procedures mentioned in subclauses 15(a)(ii) and (iii); and (b) to assess the progress of the home-based learner in relation to: (i) the written education plan; and (ii) the home-based learner's age and ability.</p> <p>(2) If the registering authority determines that a home-based educator is not in compliance with the Act, these regulations or the policies and procedures mentioned in subclauses 15(a)(ii) and (iii), the registering authority shall contact the home-based educator to discuss the steps to be taken by the home-based educator to ensure compliance.</p> <p>(3) If the registering authority determines that a home-based learner is not making satisfactory educational progress in relation to the written education plan, the registering authority shall: (a) provide evidence to the home-based educator of the lack of satisfactory progress; and (b) contact the home-based educator to discuss establishing an improvement plan.</p> <p>13(1) If the registering authority provides evidence that a home-based learner has not made satisfactory progress in relation to the written education plan, the registering authority shall notify the home-based educator, in writing, that it requires changes in the home-based learner's registered home-based education program.</p> <p>(2) Subject to subsection (3), within 30 days after the date on which the home-based educator receives the written notice mentioned in subsection (1), the home-based educator shall provide the registering authority with an improvement plan that meets the requirements set out in the policies established by the minister.</p> <p>(3) By giving written notice to the other party, the home-based educator or the registering authority may refer any of the following differences or conflicts to the dispute resolution process: (a) if the home-based educator does not agree that an improvement plan is necessary; (b) if the home-based educator and the registering authority are unable to agree on an improvement plan.</p> <p>15 A home-based educator: (b) is responsible for the education of the home-based learner in accordance with the written education plan or improvement plan, as the case may be.</p>

The aim of the improvement plan is to increase the home-based learner's educational progress and outcomes. The process to develop an improvement plan respects the ability of the home-based educator to develop an improvement plan and provides support to the home-based educator so that the home-based learner achieves satisfactory educational outcomes.

Policy Statements

- To initiate an improvement plan, the registering official shall be consistent with existing educational practice in the school division/conseil scolaire. The official may not require an improvement plan for a home-based learner who is achieving, on a nationally normed standardized achievement test, at a level above the level that the board/conseil scolaire would normally initiate support for a student enrolled in a public school in the school division/conseil scolaire.
- When the registering official has determined that the home-based learner has not made satisfactory progress in relation to the written education plan and appropriate with his/her age and ability, the registering authority shall, in writing, request that an improvement plan be developed for student outcomes to be achieved.
- The home-based educator shall provide the registering official an improvement plan within 30 days of receiving written notice.
- When a home-based learner is on an improvement plan, the registering board of education/conseil scolaire official shall have the option to require more intensive monitoring of the home-based education program, including:
 - periodic standardized tests;
 - reports of the home-based learner's progress at reasonable intervals during the school year;
 - or,
 - additional communication with the home-based educator at reasonable intervals of time to review the progress of the home-based learner.
- When an improvement plan is established, the plan should include but not be limited to:
 - the particular outcomes that the improvement plan is intending to address;
 - how and when the home-based learner's progress will be assessed;
 - the reporting and communication plan with the registering official; and,
 - the time period of the improvement plan (determined by the home-based educator and acceptable to the registering authority).
- To develop an improvement plan, the board of education/conseil scolaire shall provide an opportunity for the home-based educator to partner with:
 - the registering authority or other official; or,
 - another person, determined by and at the expense of the home-based educator.
- If the improvement plan is not acceptable to the registering authority, the registering authority will indicate, in writing, his or her concern and provide other options to improve the home-based learner's program.
- If, at any time during a school year, a board of education/conseil scolaire official determines that the home-based learner has achieved the particular outcomes, the official may terminate the improvement plan.

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- If the home-based educator does not agree that an improvement plan is necessary, or if the registering authority and the home-based educator are unable to agree on an improvement plan, either the home-based educator or the registering authority may refer the disagreement to the dispute resolution process.

 - If the home-based educator does not agree that an improvement plan is necessary, or if the registering authority and the home-based educator are unable to agree on an improvement plan, the registering authority shall, in writing and within 15 days:
 - notify the home-based educator that the board of education/conseil scolaire intends to cancel the home-based education program;
 - provide reasons why the program will be cancelled; and,
 - inform the parent of the dispute resolution process. (see p. 28)

 - Within 15 days after receiving notice, the home-based educator may refer the matter to the dispute resolution process by giving written notice to the registering authority.

Cancellation of Home-based Education Program

Authority	
<i>The Education Act, 1995</i>	<i>The Home-based Education Program Regulations, 2015</i>
<p>148 Where a difference or conflict arises in the relationship of a pupil to the school, the parent or guardian, on behalf of that pupil, is entitled to immediate access to procedures established by the board of education or the conseil scolaire for the purposes of investigation and mediation of any differences or conflicts.</p>	<p>14(1) A registering authority may cancel the registration of a home-based education program in accordance with this section if the registering authority can substantiate all or any of the following:</p> <ul style="list-style-type: none"> (a) that the home-based educator obtained the registration of the home-based education program through false or misleading information; (b) that the home-based educator is not complying with the Act, these regulations or the policies and procedures mentioned subclauses 15(a)(ii) and (iii); (c) that the home-based educator failed to create and implement an improvement plan when required to do so pursuant to section 13; (d) that the home-based learner is not making satisfactory progress in relation to: <ul style="list-style-type: none"> (i) the written education plan or improvement plan; or (ii) the home-based learner’s age and ability. <p>(2) If a registering authority intends to cancel the registration of a home-based education program, the registering authority shall immediately:</p> <ul style="list-style-type: none"> (a) notify the home-based educator, in writing, of: <ul style="list-style-type: none"> (i) the registering authority’s intention to cancel the registration; and (ii) the reasons for the intended cancellation; and (b) meet with the home-based educator to attempt to resolve any differences or conflicts. <p>(3) If a board of education or the conseil scolaire, as the registering authority, and the home-based educator fail to resolve the difference or conflict, the board of education or the conseil scolaire shall give the home-based educator written notice of:</p> <ul style="list-style-type: none"> (a) the procedures established by the board of education or the conseil scolaire, as the case may be, pursuant to section 148 of the Act for resolving the difference or conflict; and (b) the home-based educator’s right to refer the difference or conflict to the dispute resolution process. <p>(4) If the home-based educator decides not to use the procedures mentioned in clause (3)(a) or is dissatisfied with the decision resulting from using those procedures, the home-based educator may apply to refer the difference or conflict to the minister pursuant to subsection 21(2).</p> <p>(5) A home-based educator shall apply to refer a difference or conflict to the dispute resolution process within 30 days after the later of:</p> <ul style="list-style-type: none"> (a) the date on which the home-based educator received the written notice mentioned in subsection (3); and (b) the date of a decision using the procedures established pursuant to section 148 of the Act. <p>(6) If the home-based educator does not apply to refer the difference or conflict to the dispute resolution process within the period mentioned in subsection (5) or if the basis for the cancellation is not remedied through the dispute resolution process, the board of education or conseil scolaire, as the registering authority, may cancel the registration of the home-based education program.</p> <p>(7) If the registering authority cancels the registration of a home-based education program in accordance with this section, it shall give the home-based educator, within 15 days after the cancellation:</p> <ul style="list-style-type: none"> (a) written notice of the cancellation; and (b) written reasons for the cancellation. <p>(8) The cancellation of a home-based education program pursuant to subsection (7) is not referable to the dispute resolution process.</p>

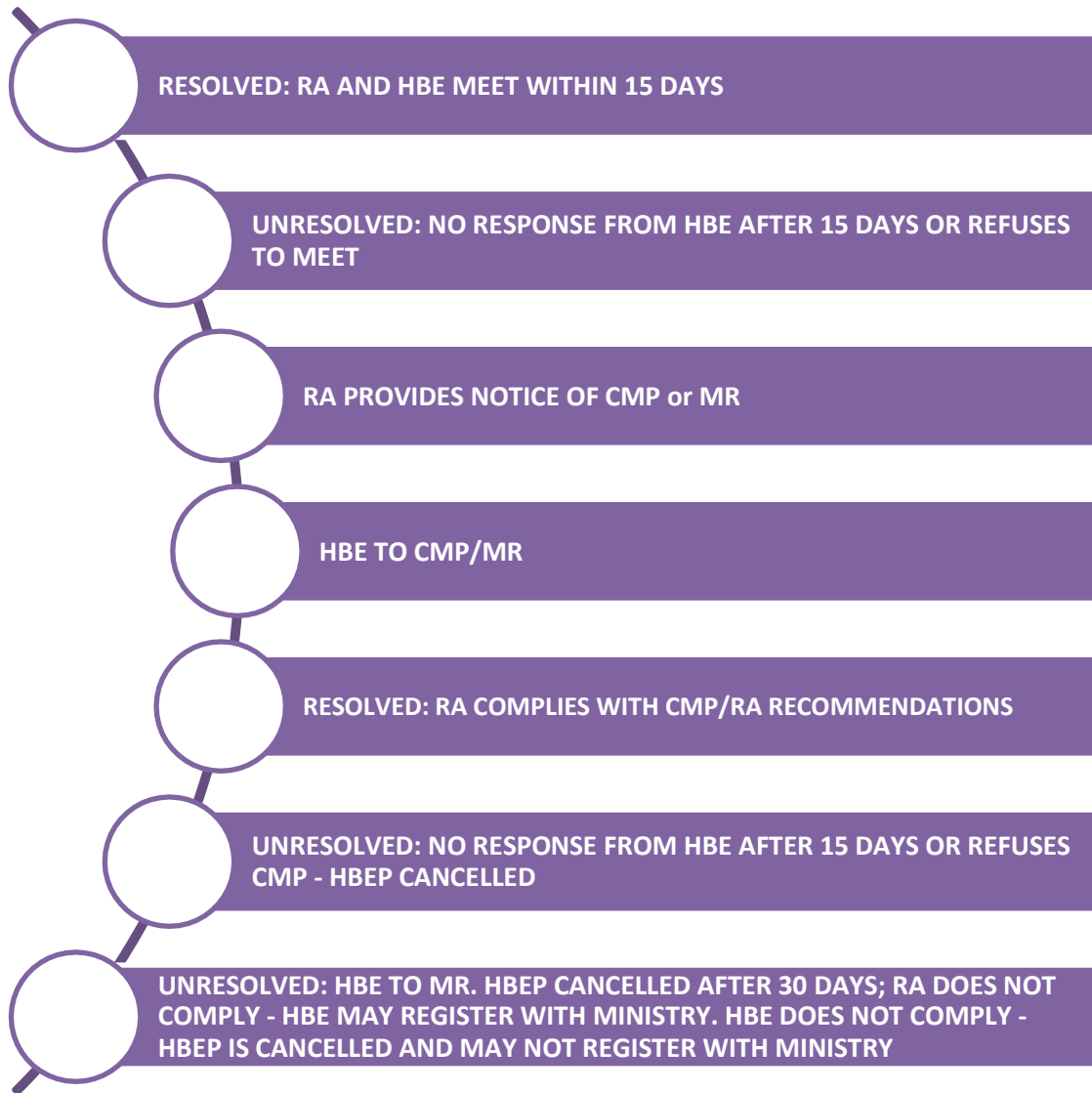
The cancellation of a home-based education program shall be handled through a clearly defined process, that reflects administrative fairness.

Policy Statements

- The registering authority shall provide the home-based educator with the opportunity to meet within 15 days of the date of notice of intent to cancel the registration. The meeting date, time and location shall be chosen by the home-based educator and be acceptable to the registering authority.
- If, after 15 days, the home-based educator does not communicate or respond to the written notice of intent to cancel the registration of the home-based education program, the registering authority shall give written notice according to Regulation 14(3).
- As provided in Regulation 14(1), the registering authority shall make no decision to cancel the registration of a home-based education program until he or she has considered any written and/or oral information provided by the home-based educator who is directing the home-based education program.
- Decisions to cancel the registration of a home-based education program shall be made in a fair and consistent manner, taking into account the interests of the home-based educator and the home-based learner on the program.
- If a home-based education program is cancelled according to Regulation 14, and if other home-based education programs are registered by the home-based educator, the home-based educator may continue to operate the home-based education programs for their other home-based learners.

Cancellation of a Home-based Education Program: Dispute Resolution Process

Registering Authority Provides Written Notice of Intent to Cancel Home-Based Education Program and Requests Meeting



Legend:

CMP	Conflict Mediation Process (as per <i>The Education Act</i> , s148 and local board policies)
HBE	Home-based Educator
HBEP	Home-based Education Program
MR	Minister's Review
RA	Registering Authority

Home-based Student Permanent Records

Authority	
<i>The Freedom of Information and Protection of Privacy Act, 1990-91</i>	<i>The Home-based Education Program Regulations, 2015</i>
<p>29(2) Subject to any other Act or regulation, personal information in the possession or under the control of a local authority may be disclosed:</p> <p>(a) for the purpose for which the information was obtained or compiled by the local authority or for the use that is consistent with that purpose;</p>	<p>11(1) Every registering authority shall maintain a permanent record for each home-based learner registered with it.</p> <p>(2) The permanent record mentioned in subsection (1) shall include:</p> <p>(a) all notices of intent received pursuant to section 4 or 22 with respect to the home-based learner;</p> <p>(b) the written education plan, including any amendments, received for each school year;</p> <p>(c) correspondence with the home-based educator with respect to the registration, monitoring and renewal of the registered home-based education program;</p> <p>(d) annual progress reports;</p> <p>(e) the results of any tests or home-based learner assessments administered pursuant to these regulations; and</p> <p>(f) documents relating to any difference or conflict that was dealt with in accordance with the dispute resolution process.</p>

Similar to the cumulative records maintained for students in schools, the home-based learner’s permanent record is the compilation of information that the registering authority maintains for the learner. It contains factual, objective and professional information regarding a home-based learner’s academic progress. The information is valuable for the monitoring of home-based education programs and responding to requests for services for the learner from year to year.

To assist in the successful transition of a home-based learner to another registering authority or to an educational institution, the expectation is that the permanent record will follow the home-based learner. When the permanent record is transferred, responsibility for the record is also transferred.

Policy Statements

- Registering authorities are responsible for ensuring that, at all times, permanent records are kept in a safe, secure environment and are protected against accidental destruction, loss and unauthorized access.
- The information in permanent records is collected primarily for the purpose of monitoring home-based education programs and providing requested services to the learners.
- Access to permanent records shall generally be provided to those individuals:
 - involved in the monitoring of the home-based programs;
 - providing services that require specific information contained in the record; or,
 - involved in meeting the Ministry of Education’s reporting requirements according to Regulation 7.
- Home-based educators and their home-based learners shall also have access to their permanent records and may consent to have other persons access their permanent records. In circumstances involving child custody arrangements, it is generally assumed that both parents

have equal access unless a court order or separation agreement provides otherwise. A copy of the most recent order or agreement should be included in the permanent record.

- The transfer of a home-based learner's permanent record to a new registering authority or school shall be similar to the transfer of a student's cumulative record. Since the permanent record is necessary for the home-based learner's education and a transfer is consistent with the purpose for which the information is collected, a registering authority does not require permission from the parent/home-based educator or guardian to release the permanent record to another registering authority.
- If a home-based learner transfers to another province or country, the home-based educator may be given a copy of the home-based learner's permanent record. The home-based educator is then responsible to provide the information to the new jurisdiction. A copy of the permanent record may be sent directly to educational institutions in other jurisdictions as long as the original record is retained and the registering authority ensures that privacy issues will be adequately addressed in the receiving jurisdiction.

Other Supporting Documents

- Guidelines for the permanent records of home-based learners are similar to those developed for [The Student Cumulative Record Guidelines](#) (2015).
- Guidelines to determine who has access to the permanent record of the home-based learner are provided by [The Freedom of Information and Protection of Privacy Act](#) (FOIP) 29(2)(a).

Guidelines

- To transfer and receive student permanent records successfully, the following procedures may be followed:
 - The registering authority or school that receives a new student/home-based learner is responsible to request, in writing, the personal record as soon as possible after the home-based learner's arrival.
 - The written request for the permanent record may be similar to the request for the transfer of a cumulative record.
 - The registering authority receiving the request would send the permanent record by registered mail. The request form would accompany the record.
 - Upon receiving the permanent record, the school or registering authority would update the Student Data System (SDS) with the Ministry of Education.
- If the registering authority does not receive a request for the home-based learner's permanent record, the following procedures may be followed:
 - The registering official should run a Not Re-enrolled Report through SDS to determine whether the student has re-enrolled in another school or the parent has given *Notice of Intent to Home-school* to register a home-based education program.
 - If the learner appears as "not re-enrolled" and is of compulsory school age, steps should be taken to determine the location of the student.
 - If the learner does not appear on the Not Re-enrolled Report, the learner may have registered

in another school or with a registering authority, left the province, passed the school-leaving age of 16, or is deceased.

- If the learner's name does appear on the Not Re-enrolled Report, the learner has not registered in a school or the home-based education program is not registered with a registering authority in Saskatchewan. It is expected that the school division/conseil scolaire will continue making efforts to re-engage the learner.
- The sending registering authority should retain the permanent record.

Section B: Home-based Educator’s Rights and Responsibilities

Notice of Intent to Home-school

Authority	
<i>The Education Act, 1995</i>	<i>The Home-based Education Program Regulations, 2015</i>
<p>4(1) The minister may:</p> <p>(p) make provision for the registration of home-based education programs;</p> <p>(r) subject to the regulations, establish policies relating to the administration of registered home-based education programs by boards of education and the conseil scolaire;</p> <p>156(1) Except as otherwise provided in this Act, every parent, guardian or other person having charge of a pupil who is of compulsory school age shall take all steps that are necessary to ensure regular attendance of that pupil:</p> <p>(a) at the school determined or authorized by the board of education of the school division in which the pupil resides and for the period during which the school is in operation in each year; or</p> <p>(b) at the francaskois school determined or authorized by the conseil scolaire in the francophone education area in which the parent or guardian resides and for the period during which the francaskois school is in operation each year.</p> <p>157(1) A pupil may be exempted from attendance at a school, and no parent, guardian or other person is liable to conviction for an offence pursuant to section 156 where:</p> <p>(c) the pupil is receiving instruction in a registered home-based education program;</p>	<p>3 Subject to these regulations and consistent with the policies established by the minister, every board of education and the conseil scolaire shall establish policies and procedures for:</p> <p>(a) the registration of home-based education programs;</p> <p>4(1) A parent who wishes to become a home-based educator shall give notice of his or her intention to register a proposed home-based education program to, as the case requires:</p> <p>(a) the board of education of the school division in which the pupil who is to be the home-based learner in the proposed home-based education program is entitled to attend school in accordance with the Act; or</p> <p>(b) the conseil scolaire.</p> <p>(2) The notice mentioned in subsection (1) shall be made in accordance with:</p> <p>(a) any policies established by the minister; and</p> <p>(b) any policies and procedures established by the board of education or the conseil scolaire, as the case may be.</p> <p>(3) At the time notice is given pursuant to subsection (1), the parent shall give the registering authority a written education plan that is consistent with the policies established by the minister.</p> <p>5 A board of education or the conseil scolaire, as the registering authority, shall register a home-based education program if it determines that the notice of intent mentioned in section 4 is in compliance with the Act, these regulations and the policies mentioned in that section.</p> <p>10 Subject to sections 14 and 19, the registration of the home-based education program pursuant to section 5 or 22 is valid until the end of the school year for which the registration is granted.</p>

A registering authority is responsible to ensure that the compelling interest of the state is met in the education of pupils who are registered in home-based education programs. The legal framework is represented by the *Home-based Education Program Regulations (2015)* and the *Saskatchewan Home-based Education: Policy and Procedures Manual*.

To ensure consistency throughout the province, parents shall notify the registering authority on the *Notification of a Home-based Education Program* form (see Appendix B) provided by the Ministry of Education.

Before starting their program, parents are expected to have positive reasons for initiating a home-based education program and to have planned the home-based education program, including a request of the services that may be provided by the school division.

Policy Statements

- Parents who elect to provide home-based education programs for their own children of compulsory school age (age 7 to 15 inclusive) are required to:
 - notify the registering authority before commencing their programs; and,
 - attach their written education plan.

- A parent shall provide written notice on the *Notification of a Home-based Education Program* form (see Appendix B) and shall include:
 - the name of the parent who is initiating and who is responsible for directing the home-based education program;
 - the address and telephone number of the home at and from which the home-based education program will be provided;
 - the name, gender and date of birth of the student on the program;
 - the starting date of the home-based education program;
 - if applicable, the name of the last school, registered independent school or other educational institution in which the student was enrolled;
 - the last grade completed by the student at that school, registered independent school or other educational institution;
 - the written education plan for the student in the home-based education program;
 - the services selected by the parent from the services provided by the school division/conseil scolaire; and,
 - a declaration signed by the parent affirming:
 - that the information supplied is correct;
 - that the parent is directing the home-based education program; and,
 - that the parent is accepting responsibility for the education of the pupil in the home-based education program.

- The *Notice of Intent to Home-school* and the written education plan prescribed in subsection (4) shall be received by the registering authority within the following timelines:
 - where the registering authority had registered a home-based education program for the student for the previous school year, by August 15 before the start of instruction for the school year for which the notification is given;
 - at least 30 days before the start of instruction for a school year in September of a year, and in any event by August 15 of that year;
 - at least 30 days before a student of compulsory school age would be legally required to attend school in accordance with the Act;
 - within 30 days after a student becomes entitled to attend school in a new school division; or,
 - at least 30 days before the date the parent intends to withdraw a pupil of compulsory school age from a school, registered independent school or other educational institution.

- The *Notification of a Home-based Education Program* form may include and apply to more than one pupil from the same family.

- The home-based education program is registered when the registering official signs and provides a written response to the *Notification of a Home-based Education Program* form.

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- Where the parents reside within the geographical boundaries of both a public and a separate school division, members of the minority faith (i.e. Roman Catholic) are deemed to reside in the separate school division, while all other parents are deemed to reside in the public school division and are required to register with the public board of education.
 - Parents who have rights to official minority language instruction under section 23 of the *Charter of Rights and Freedoms, 1982* and who intend to use French as the principal language of instruction of the home-based education program, have the option to notify the conseil scolaire of their intent.
 - Where the parents regularly move from one school division to another during the course of a school year (such as living in the city in the winter and on the farm in the summer), parents shall officially register with only one of the two school divisions, while informing the other school division of their choice. If parents have more than one residence in the province, they may choose one to be their legal residence for the purpose of registering their home-based education program.
 - In the case of guardianship, separation, or divorce, the registering official shall confirm any relevant orders or provisions that relate to the charge and custody of the children on the home-based education program.
 - In the case of joint custody both parents must agree to the home-based education program for the child. Where two parents have joint custody of a home-based learner and live in two different school divisions, they shall officially register with only one of the two school divisions, while informing the other school division of their choice.
 - Until the program is registered, a home-based learner is not exempted from compulsory attendance at a public school according to clause 156 of *The Education Act, 1995*. Parents who have notified their intent to provide a home-based education program with the registering authority according to the regulations and policies, are not liable to prosecution under clause 155 of *The Education Act, 1995* during the period of time that the registering authority is processing their *Notification of a Home-based Education Program* form.
 - Parents are required to give at least 30 days notice before commencing a new home-based education program, whether at the beginning or the middle of a school year.
 - A registering authority shall not refuse to register a home-based education program on the grounds that a parent failed to comply with the timelines where a reasonable attempt to comply was made.

Written Education Plan for Home-based Students

Authority
<i>The Home-based Education Program Regulations, 2015</i>
4(3) At the time notice is given pursuant to subsection (1), the parent shall give the registering authority a written education plan that is consistent with the policies established by the minister.
6(1) Every board of education and the conseil scolaire shall make the following services available to every home-based learner registered with it: (a) home-based learner assessments; (b) education and training in the operation of motor vehicles pursuant to section 189 of the Act. (2) Every board of education and the conseil scolaire shall develop policies with respect to those services that the board of education or the conseil scolaire is prepared to make available to home-based learners, including: (a) participation in cultural and athletic activities, youth travel, outdoor education and similar activities pursuant to section 179 of the Act; (b) participation in programs of athletic and amateur sport pursuant to section 188 of the Act; (c) guidance and counselling services pursuant to section 191 of the Act; (d) services for pupils with intensive needs pursuant to section 178 of the Act; and (e) enrolment in distance-education opportunities.

Home-based learners should be able to enter or re-enter public or independent schools with a minimum of difficulty. Each written education plan should not be inconsistent with the *Goals of Education for Saskatchewan*, or inappropriate for the age and ability of the home-based learner in the program.

A parents' rights to educate their children at home are based upon sincerely held religious or philosophical beliefs, the written education plan should contain the philosophical approach of the home-based education program. The philosophical approach provides the foundation for the program that will influence all other aspects of the program.

Through the written education plan, the parent demonstrates that there is a positive and constructive approach to the education of the pupil in the home-based education program. The written education plan and the home-based educator's educational practice should reflect a genuine commitment to the philosophical approach of their home-based education program.

To prepare a written education plan, parents are not expected to be professional curriculum writers. They may receive assistance from a home-based education support group, or from a supplier of home-based education curricula such as a distance learning school. In such cases, the program is still expected to be the home-based educator's program. They should be able to articulate the reasons why they have chosen this particular educational program and to demonstrate their commitment to carry it out.

Boards of education/conseil scolaire establish policies and procedures regarding the provision of services for home-based learners. The written education plan provides parents with the opportunity to indicate their intent to access those services.

The Goals of Education for Saskatchewan:

- are intended to be inclusive - not exclusive – to encompass all legitimate perspectives in our

pluralistic and multicultural society. They are intended to provide sufficient latitude to accommodate the aspirations of all parents for their children;

- embody a commitment to fundamental democratic values in society, such as a concern for liberty (freedom) and a respect for the person (equality), as well as recognition of the creative tension between freedom and equality;
- embody a commitment to tolerance based upon the affirmed worth of each individual and the recognition that people differ in their values, behaviours and life styles;
- embody a commitment to rationality and truth, and to rational enquiry in the pursuit of truth and knowledge;
- do not sanction the concept of moral relativism -- a belief that when dealing with moral issues, any decision is as good as any other. For many people, truth is not simply something determined by a majority, created by a class, or the product of a historical age; and,
- encourage the development of fundamental moral virtues such as honesty, integrity, compassion, fairness, and justice.

An amendment to a written education plan represents a significant change, such as changing:

- the philosophical approach of the home-based education program;
- any of the broad annual goals in the plan; or,
- the means of assessing and recording educational progress.

Policy Statements

- A written education plan shall:
 - not be inconsistent with the *Goals of Education for Saskatchewan* (see Appendix D); and,
 - not be inappropriate for the age and ability of the home-based learner for whom the program is intended.
- Although a home-based educator has the freedom to structure his/her written education plan with the philosophical approach of the program, the plan must contain a statement of:
 - the reason for and the philosophical approach of the proposed home-based education program;
 - a minimum of three broad annual goals in each of the four areas of study for each home-based learner – language arts, science, social studies and mathematics;
 - the means of assessing and recording the educational progress of the home-based learner in the program (see p. 43, Annual Student Progress Report); and
 - the services that the home-based educator intends to access from the services provided to home-based learners by the board of education/conseil scolaire according to the regulations and policies.

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- The home-based educator shall have the option to, but is not compelled to, provide broad annual goals in other subjects, including health education, arts education and physical education.
 - Home-based educators may choose to have only one written education plan for their home-based education programs when two or more home-based learners are receiving instruction on home-based education programs. Although the philosophical approach of the home-based education programs will mostly be common to all home-based learners on the programs, with allowance for younger home-based learners, the three broad annual goals in each area of study and the means of assessing and recording the educational progress shall be specific to each home-based learner on their individual program.
 - Although the *Goals of Education for Saskatchewan* are intended to accommodate both the aspirations of all parents for their children and the needs and abilities of all students enrolled in schools, a home-based education program:
 - is not required or expected to provide broad goals to achieve all the *Goals of Education for Saskatchewan*; and,
 - may be focused on the achievement of a select number of the *Goals of Education for Saskatchewan*.
 - In the case of a home-based learner who has been identified as a learner requiring intensive supports, the broad annual goals of the registered home-based education program shall take into account the abilities of and intensive supports required for the home-based learner.
 - Written education plans shall provide sufficient information for the registering authority to determine that the plan is not inconsistent with the *Goals of Education for Saskatchewan* and not inappropriate for the age and ability of the home-based learner on the program.
 - When a registering authority receives a written education plan as part of a *Notice of Intent to Home-school*, the registering authority shall review the plan to determine if the plan complies with the requirements contained in the regulations and policies. A registering authority is not expected to approve or to agree with a written education plan before registering a home-based education program.
 - If a registering authority refuses to register a home-based education program on the grounds that the written education plan does not meet the requirements of the regulations, the registering authority must demonstrate why the written education plan does not meet the requirements of the regulations.
 - A home-based educator may make amendments to the written education plan during a school year, if the amendments are requested in writing and are acceptable to the registering authority.

Operation of a Registered Home-based Education Program

Authority
<i>The Home-based Education Program Regulations, 2015</i>
15 A home-based educator: (a) shall comply with: (i) the Act and these regulations; (ii) any policies established by the minister; and (iii) if the home-based education program is registered with a board of education or the conseil scolaire, the policies and procedures established by the board of education or the conseil scolaire; and (b) is responsible for the education of the home-based learner in accordance with the written education plan or improvement plan, as the case may be.

Home-based education programs may have different structures; the monitoring of home-based education programs focuses on educational outcomes rather than on instructional processes. Home-based learners are not required to "be in school" the same number of days or during the same hours each day as students attending public schools.

While home-based educators have the responsibility for the education of learners on home-based education programs, the minister views regular instruction as an important component of a child's education within the flexibility of home-based education. The minister can expect the educational practice of the home-based educator to reflect a genuine commitment to the religious or philosophical approach of their home-based education program.

Policy Statements

- Home-based educators shall personally provide and direct the home-based education program for their home-based learners. They shall be responsible for and actively involved in the education of their home-based learners.
- Home-based educators shall provide instruction at or from the home of the home-based learner.
- Parents shall only register their own children in the home-based education program. This does not prevent:
 - home-based educators from hiring one or more tutors to assist with the academic instruction of their home-based learners;
 - a group of home-based educators from organizing, from time to time, shared educational activities and field trips;
 - home-based educators from enrolling their home-based learners in distance learning; or,
 - the home-based learners from taking a course or program in a public or independent school.
- Home-based educators are expected to provide instruction to the home-based learners on their program throughout the course of the school year for which the program is registered.
- Home-based educators are not expected to complete a daily attendance register or to provide instruction in their home-based education program for the same hours each day that public schools operate. However, they shall maintain a periodic log (see p. 42)

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- Home-based educators shall provide instruction and resources so that each home-based learner is able to reach the broad annual goals in the written education plan, appropriate for his or her age and ability.
 - The home-based educator's educational practice shall reflect a commitment to their written education plan and to the philosophical approach of the home-based education program.
 - Home-based educators shall have the option to make curricular and instructional adjustments to their home-based education program during a school year in accordance with the needs and progress of their home-based learners, if these adjustments are consistent with the written education plan submitted to the registering authority.
 - Home-based educators shall have the option to make amendments to their written education plan if the amendments are requested in writing and are acceptable to the registering authority (see p. 35).

Compliance with Act, Regulations, Provincial Policies and Local Policies

Authority	
<i>The Education Act, 1995</i>	<i>The Home-based Education Program Regulations, 2015</i>
<p>157(1) A pupil may be exempted from attendance at a school, and no parent, guardian or other person is liable to conviction for an offence pursuant to section 156 where:</p> <p>(c) the pupil is receiving instruction in a registered home-based education program;</p>	<p>15 A home-based educator:</p> <p>(a) shall comply with:</p> <p>(i) the Act and these regulations;</p> <p>(ii) any policies established by the minister; and</p> <p>(iii) if the home-based education program is registered with a board of education or the conseil scolaire, the policies and procedures established by the board of education or the conseil scolaire; and</p> <p>(b) is responsible for the education of the home-based learner in accordance with the written education plan or improvement plan, as the case may be.</p>

The Minister of Education requires parents who intend to provide their children of compulsory school age with an exemption from attendance at a public school, according to *The Education Act, 1995* section 157(1)(c) to register their home-based education programs in accordance with the regulations and the policies.

Policy Statements

- Parents who intend to provide their children of compulsory school age with an exemption from attendance at a public school shall register their home-based education programs according to the regulations and policies.
- Only parents who have registered their home-based education programs according to the regulations and policies may refer to their program as a registered home-based education program.
- Parents who choose to provide home-based education programs for their children shall:
 - inform themselves of the requirements to register their programs;
 - meet the criteria for registration; and,
 - meet these criteria before registration.
- Parents who intend to provide their children of compulsory school age with an exemption from attendance at a public school but have not registered their home-based education program in accordance with the regulations and the policies are in violation of the regulations and subject to prosecution under *The Education Act, 1995*.
- Boards of education/conseil scolaire shall be responsible to ensure that the attendance provisions of *The Education Act, 1995*, the regulations and the policies are being met by all learners on home-based education programs registered with the board of education/conseil scolaire.

Portfolio of Home-based Student Work

Authority
<i>The Home-based Education Program Regulations, 2015</i>
16 For each home-based learner, a home-based educator shall: (a) maintain a portfolio of work that contains the information required by the minister pursuant to the policies established by the minister; and (b) preserve the portfolio of work for at least two calendar years after the end of the calendar year in which the work was created.

A home-based educator should maintain home-based learner records in a manner and form consistent with public schools in Saskatchewan. Home-based educators should have flexibility in choosing the means of recording each learner's progress, within some broad guidelines established by the regulations and policies, and consistent with the written education plan for the home-based education program.

If a home-based educator has enrolled the home-based learner in a distance education course, the distance learning teacher shall provide the service of maintaining the summative record for each student in the course.

In the best interests of each home-based learner, a summary of his/her academic achievement should be submitted to a public authority at the time that a home-based education program is terminated or cancelled.

Policy Statements

- Home-based educators shall maintain a portfolio of work for each home-based learner on his/her program, regardless which of the options they choose for their annual student progress report (see p. 44).
- A portfolio of work indicates the home-based learner's progress and consists of:
 - a periodic log; and,
 - one of the following for each of the broad annual goals:
 - a detailed summative record;
 - sufficient samples of work; or,
 - a summative record and samples of work.
- Home-based educators are not required to provide the portfolio of work to their registering official unless they have chosen this option for their annual progress report.
- If a disagreement arises between the registering official and a home-based educator that leads to the dispute resolution process according to Regulation 21, the home-based educator may be required to provide the portfolio of work.
- When a home-based education program is terminated or cancelled, the home-based educator shall provide the home-based learner's portfolio of work for the partial school year to:
 - the public school, registered independent school, or other educational institution in which

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- their child enrolls; or,
 - to their resident board of education or conseil scolaire, if the child does not attend school.

Annual Home-based Student Progress Report

Authority
<i>The Home-based Education Program Regulations, 2015</i>
17 Every home-based educator shall submit to the appropriate registering authority, in the form and within the period required by the minister, an annual progress report with respect to the home-based learner in the registered home-based education program.

Home-based educators are responsible to submit an annual progress report to their registering authority for each home-based learner. Registering authorities, home-based educators and other persons should administer achievement tests to home-based learners that are normed on individual situations, as opposed to group or classroom situations.

Policy Statements

- Home-based educators shall send an annual progress report for each home-based learner on their home-based education program to the registering official. The annual progress report shall be sent once near the end of the school year, at a time determined by the home-based educator and acceptable to the registering official.
- Home-based educators shall choose one of the following options for the format of each annual progress report:
 - the portfolio of work and with sufficient detail for the registering authority to assess the educational progress of the home-based learner;
 - test results of the home-based learner who has taken a nationally normed standardized achievement test; or,
 - test results of the home-based learner who has taken a nationally normed standardized achievement test administered by the home-based educator, or another person at the expense of the home-based educator provided that:
 - the home-based educator, or the other person, meets the qualifications required by the specific test;
 - the home-based educator provides the registering authority evidence of the qualifications of the person administering and interpreting the test; and,
 - the person administering the test provides the registering official with the results of the test and an interpretation of the results.
- In the written education plan, home-based educators shall state how they intend to assess and record the progress of each home-based learner on his/her home-based education program. When the written education plan is deemed acceptable to the registering authority, details regarding the annual progress report are clarified prior to registering the home-based education program.

Language of Instruction

Authority
<i>The Home-based Education Program Regulations, 2015</i>
<p>18(1) Subject to subsection (2), the language of instruction in a registered home-based education program must be English or French.</p> <p>(2) With the approval of the registering authority, a home-based educator may use a language other than English or French as a language of instruction to a maximum of 50% of the instructional time.</p> <p>(3) If the language of instruction is other than English, the home-based educator shall provide instruction in English language arts, commencing not later than the date on which the home-based learner turns eight years of age.</p>

English and French are the official languages of Canada, and as such, become the options for the language of instruction in home-based education programs.

Policy Statements

- The parent shall make the request to use a language of instruction other than English or French, according to section 18(2), at the time of submitting their *Notice of Intent to Register a Home-based Education Program*.
- If a home-based educator chooses to request a change to the language of instruction during the school year, the home-based educator shall make the amendments (see p. 35).

Notice of Intent to Renew a Home-based Education Program

Authority

<i>The Home-based Education Program Regulations, 2015</i>

3 Subject to these regulations and consistent with the policies established by the minister, every board of education and the conseil scolaire shall establish policies and procedures for: (b) the renewal of the registration of home-based education programs;

As the registration of a home-based education program is valid only until the end of each school year (June 30), home-based educators shall renew the registration of their home-based education program(s) annually.

Registering authorities develop policies that are appropriate for their school division/conseil scolaire, so home-based educators who relocate to a different school division must follow the policies of the new registering authority.

Policy Statements

- Home-based educators who elect to continue their home-based education program(s) for another school year shall notify their intent to the registering authority by August 15 of each year on the *Notification of a Home-based Education Program* form (see Appendix B).
- When renewing the registration of their home-based education program(s), home-based educators shall update the written education plan and the other information provided for the previous year's registration, in particular:
 - the home-based learners on the home-based education programs for the coming school year;
 - the broad annual goals in each of the four areas of study for each home-based learner;
 - the annual home-based student progress report; and,
 - the services selected by the home-based educator from the services provided by the school division/conseil scolaire.
- Registrations are not transferable from one board of education/conseil scolaire to another. Home-based educators who were operating a registered home-based education program in one school division/conseil scolaire must re-register, not simply renew their program, when moving to a different school division/conseil scolaire.
- The registering official shall renew the home-based education program if the home-based educator has updated their *Notice of Intent to Home-school* and:
 - the annual student progress report for the home-based learner has demonstrated satisfactory educational progress during the previous year of the program; or,
 - the registering official and the home-based educator have agreed upon an improvement plan.
- With any necessary modifications, the notice of intent to renew and the renewal of the registration process shall be similar to the registration criteria and the registration process.
- If the home-based educator changes any of the major factors in the home-based education

program, such as the philosophical approach of the program, the registering official shall treat the *Notice of Intent to Home-school* as a new home-based education program.

Termination of Home-based Education Program

Authority

<i>The Home-based Education Program Regulations, 2015</i>

<p>19(1) If a home-based educator wishes to terminate a registered home-based education program during the year in which it is registered, the home-based educator shall notify the registering authority, in writing, in accordance with the policies established by the minister.</p>
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<p>(2) On receipt of a notice pursuant to subsection (1), the registering authority shall cancel the registration of the home-based education program, effective on the date of termination specified in the notice.</p>
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<p>(3) If the registration of a home-based education program is terminated at the request of a home-based educator pursuant to this section, the home-based educator is not entitled to register a home-based education program for that pupil until the school year following the school year in which the registered home-based education program is terminated.</p>
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When a home-based educator chooses to terminate a home-based education program in the middle of the school year, the home-based educator should follow the applicable provincial and local policies and consult with the appropriate officials of the registering authority regarding the continuing education of his/her child.

The termination of a home-based education program is at the initiative of the home-based educator who is directing the home-based education program. The cancellation of a home-based education program is at the initiative of the registering authority.

The termination of a home-based education program refers to termination that occurs during the school year. If a home-based educator chooses to discontinue his/her program at the end of the school year, he/she will simply choose not to renew the home-based education program for another school year.

Since the termination is occurring at the initiative of the home-based educator, there are no process requirements that boards of education/conseil scolaire are required to follow. In the case of cancellation, the board of education/conseil scolaire is required to provide the home-based educator an opportunity to be heard before canceling the program.

Policy Statements

- Home-based educators shall have the option to terminate their home-based education program according to the regulations at any time during a school year.

- The written notice to terminate a home-based education program shall include:
 - the name of the home-based educator who is responsible for directing the home-based education program;
 - the address and telephone number of the home at and from which the home-based education program is being provided;
 - the name, gender and date of birth of the home-based learner(s);
 - the date of termination of the home-based education program; and,
 - the plans for the home-based learner's continuing education, if the home-based learner is of compulsory school age.

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- Parents shall consult with the registering authority with respect to the continuing education of the home-based learner.
 - Within 15 days of receiving the home-based educator's written notice of termination, the registering authority shall respond with a written notification that the home-based education program has been cancelled.
 - If home-based educators choose not to renew their program for another school year, they shall supply the appropriate student records to the school in which their children enroll or to their resident board of education/conseil scolaire.
 - If a home-based educator or home-based learner relocates to another school division during the school year, the parent is entitled to register his/her home-based education program with the new school division even though the home-based education program was terminated in the old school division. (See p. 29 for the transfer of student records.)

Section C: Dispute Resolution Process

Accessing the Registering Authority's Mediation Process

Authority	
<i>The Education Act, 1995</i>	<i>The Home-based Education Program Regulations, 2013</i>
148 Where a difference or conflict arises in the relationship of a pupil to the school, the parent or guardian, on behalf of that pupil, is entitled to immediate access to procedures established by the board of education or the conseil scolaire for the purposes of investigation and mediation of any differences or conflicts.	21(1) If a difference or conflict arises between a home-based educator and a board of education or the conseil scolaire with respect to a registered home-based education program or the registering of a home-based education program, the home-based educator is entitled to use the procedures established by the board of education or the conseil scolaire in accordance with section 148 of the Act for the purposes of investigation and mediation of the difference or conflict.

Parents of pupils, including home-based educators, should have immediate access to procedures according to section 148 of *The Education Act, 1995*, to investigate and mediate any differences or conflicts with officials of the board of education/conseil scolaire.

When disputes and conflicts occur, the resolution of these disputes shall reflect the principles administrative fairness. The procedures to investigate and mediate any differences or conflicts should be designed to bring parties together and are expected to be informal and as non-confrontational as possible.

Policy Statements

- A home-based educator shall have the option to access the board of education/conseil scolaire's procedures according to section 148 of *The Education Act, 1995*, for the purpose of investigating and mediating any differences or conflicts regarding any aspect of the home-based education program.
- Home-based educators shall access policies developed by the board of education/conseil scolaire related to section 148 of *The Education Act, 1995*, in order to submit a complaint, or request an investigation and mediation process.
- Instead of accessing the board of education/conseil scolaire's procedures developed according to section 148 of *The Education Act, 1995*, home-based educators also have the option to apply to the minister for a review according to Regulation 21(2) and *Accessing the Minister's Review to Resolve a Dispute*.

Accessing a Minister's Review to Resolve a Dispute

Authority

The Home-based Education Program Regulations, 2015

20 In this Part, "home-based educator" includes, as the case requires, the parent or parents of a pupil who are seeking to register a home-based education program for the pupil.

21(2) If the difference or conflict mentioned in subsection (1) arises from an action or decision of the board of education or the conseil scolaire concerning any of the matters mentioned in subsection (3), the home-based educator may apply to the minister for a review of the action or decision;

(a) if the home-based educator has decided not to use the procedures for resolving a difference or conflict that the board of education or conseil scolaire has established pursuant to section 148 of the Act; or

(b) if the home-based educator is dissatisfied with any action or decision made following the procedures established pursuant to section 148 of the Act.

(3) An application may be made to the minister pursuant to subsection (2) with respect to an action or decision of the board of education or the conseil scolaire concerning any of the following matters:

(a) the development or content of a written education plan pursuant to subsection 4(3);

(b) the monitoring of the registered home-based education program by the registering authority pursuant to section 12;

(c) the development or content of an improvement plan pursuant to section 13;

(d) subject to subsection 14(5), the intent to cancel a registered home-based education program pursuant to section 14;

(e) any home-based learner assessment undertaken or to be undertaken by the registering authority with respect to the home-based learner.

(4) An application pursuant to subsection (2) must be received by the minister within 30 days after the date of the written notice of the registering authority respecting the action or decision that has given rise to the difference or conflict.

(5) On receipt of an application pursuant to subsection (2), the minister may appoint a person:

(a) to review the difference or conflict; and

(b) to provide recommendations to the registering authority and the home-based educator to resolve the difference or conflict.

If there is a difference or conflict between a home-based educator and the registering authority, the issues are best resolved by those involved and before the conflict escalates. The minister strongly encourages both parties to resolve the dispute at the local level. A formal or informal mediation process may be used. The process may also include the Director, Independent Schools and Home-based Education (ISHBE), Ministry of Education.

Policy Statements

- If a registering official is aware that an action or decision may result in a difference or conflict with the home-based educator, the registering official shall provide the home-based educator with written information regarding Regulation 21 and the board of education/conseil scolaire's policies related to section 148 of *The Education Act, 1995*.
- A home-based educator has the option to make a written request, according to Regulation 21(2) and (3), for a minister's review to the minister or to the minister through the board of education/conseil scolaire.
- If a home-based educator requests a minister's review, the written request shall indicate:
 - the area of difference or conflict pursuant to Regulation 21(3);
 - the action or decision of the board of education/conseil scolaire that the parent wishes the minister to review; and,
 - the date of the board of education/conseil scolaire's action or decision.

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- If a board of education/conseil scolaire receives a written request for a minister's review, the board of education/conseil scolaire shall, within 30 days, make a written request to the Ministry of Education to establish a minister's review according to Regulation 21. The written letter of request from the home-based educator shall also be attached.

Minister's Review and Recommendations

Authority

The Home-based Education Program Regulations, 2015

20 In this Part, "**home-based educator**" includes, as the case requires, the parent or parents of a pupil who are seeking to register a home-based education program for the pupil.

21(2) If the difference or conflict mentioned in subsection (1) arises from an action or decision of the board of education or the conseil scolaire concerning any of the matters mentioned in subsection (3), the home-based educator may apply to the minister for a review of the action or decision:

(a) if the home-based educator has decided not to use the procedures for resolving a difference or conflict that the board of education or conseil scolaire has established pursuant to section 148 of the Act; or

(b) if the home-based educator is dissatisfied with any action or decision made following the procedures established pursuant to section 148 of the Act.

(3) An application may be made to the minister pursuant to subsection (2) with respect to an action or decision of the board of education or the conseil scolaire concerning any of the following matters:

(a) the development or content of a written education plan pursuant to subsection 4(3);

(b) the monitoring of the registered home-based education program by the registering authority pursuant to section 12;

(c) the development or content of an improvement plan pursuant to section 13;

(d) subject to subsection 14(5), the intention to cancel a registered home-based education program pursuant to section 14;

(e) any home-based learner assessment undertaken or to be undertaken by the registering authority with respect to the home-based learner.

(4) An application pursuant to subsection (2) must be received by the minister within 30 days after the date of the written notice of the registering authority respecting the action or decision that has given rise to the difference or conflict.

(5) On receipt of an application pursuant to subsection (2), the minister may appoint a person:

(a) to review the difference or conflict; and

(b) to provide recommendations to the registering authority and the home-based educator to resolve the difference or conflict.

When a difference or conflict cannot be mediated in areas critical to home-based education programs, home-based educators should have timely access to a neutral third party through a minister's review.

Policy Statements

- A minister's review of a difference or conflict between a home-based educator and a board of education/conseil scolaire shall reflect the principles administrative fairness.
- The legal and technical rules of evidence and procedure shall not apply to a dispute resolution process.
- Upon receiving a written request for a review, the Ministry of Education shall appoint a reviewer in a timely manner.
- The reviewer shall initiate the review in a timely manner, that may include but not be limited to:
 - reviewing the details of the action or decision made by the board of education/conseil scolaire;
 - determining the perspectives of the home-based educator and the board of education/conseil scolaire;
 - consulting with others; and,

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- making recommendations to the board of education/conseil scolaire and/or home-based educator to resolve the difference or conflict.
 - After the review concludes, the reviewer shall:
 - provide a copy of the review to the minister; and,
 - present his or her written recommendations to the home-based educator and the board of education/conseil scolaire.
 - After receiving and considering the recommendation(s), the board of education/conseil scolaire shall make a decision regarding the recommendation(s).
 - The board of education/conseil scolaire shall notify, in writing, the home-based educator and the minister of their decision.
 - If the board of education/conseil scolaire decides not to follow the recommendation(s), they shall provide a rationale for their decision.
 - The ministry shall be responsible for all reasonable costs for the reviewer, including transportation, accommodation, meals and honoraria.

Registration with the Ministry of Education

Authority
<i>The Home-based Education Program Regulations, 2015</i>
<p>22(1) If a board of education or the conseil scolaire, as the registering authority, complies with the recommendations provided pursuant to clause 21(5)(b), the home-based educator shall not apply to the minister to register the home-based education program.</p> <p>(2) If a board of education or the conseil scolaire, as a registering authority, fails to comply with the recommendations provided pursuant to the clause 21(5)(b), the home-based educator may give the minister notice of his or her intent to register the home-based education program with the minister.</p> <p>(3) At the time notice is given pursuant to subsection (2), the home-based educator shall give the minister a written education plan that is consistent with the policies established by the minister.</p> <p>(4) On receipt of a notice of intent and pursuant to subsection (2), the minister shall:</p> <p>(a) register the home-based education program if the minister is satisfied that the home-based educator has complied with the Act, these regulations and the policies established by the minister respecting the registration of the home-based program; or</p> <p>(b) deny registration of the home-based education program if the minister is satisfied that the home-based educator has failed to comply with the Act, these regulations or the policies established by the minister respecting the registration of the home-based education program.</p> <p>(5) If, pursuant to clause (4)(b), the minister denies registration of a home-based education program, the minister shall notify the home-based educator, in writing, of the minister's decision to deny registration, with reasons.</p>

The Ministry of Education does not deliver educational services directly to parents or children. Home-based educators and their learners are better served by registering with their local board of education/conseil scolaire.

When a board of education/conseil scolaire complies with the recommendations made by the review in the dispute resolution process, and even though the relationships between the home-based educator and board of education/conseil scolaire may be strained, the parent does not have the option of registering with the Ministry of Education.

When the board of education/conseil scolaire does not implement the recommendation(s) of the Minister's review, the parent has a compelling reason to register with the ministry.

Policy Statements

- When a board of education/conseil scolaire refuses to comply with the recommendation(s) made in the Minister's review, parents have a compelling reason and shall have the option to notify their intent to register with the Ministry of Education (see p. 55).
- Parents shall not have the option to register their home-based program with the Ministry of Education when:
 - the board of education/conseil scolaire has agreed to comply with the recommendation(s) of the minister's review; and,
 - the home-based educator does not agree to comply with the recommendation(s) made in the minister's review.
- When submitting their notice of intent to the Ministry of Education, parents shall include the documentation regarding the minister's review which indicates that the board of

education/conseil scolaire has refused to comply with the recommendations made in the review.

- The Director of the Independent Schools and Home-based Education shall be the Ministry of Education's registering official for home-based education programs.
- The Ministry of Education does not provide services according to Section 6 of the regulations.

Appendix A: Definition of Terms

The Education Act, 1995

2 In this Act:

“**compulsory school age**” means having attained the age of seven years but not having attained the age of 16 years; («âge scolaire»)

“**home-based education program**” means an education program:

- (a) that is provided to a pupil who has attained the age of six years but has not attained the age of 18 years;
- (b) that is started at the initiative of and is under the direction of the parent or guardian of the pupil; and
- (c) in which the pupil is receiving instruction at and from the home of the pupil; («programme d'études à domicile»)

“**pupil**” means a person:

- (b) who is receiving instruction in a registered home-based education program; and includes any person who is of compulsory school age; («élève»)

“**registered home-based education program**” means a home-based education program registered pursuant to this Act and the regulations; («programme d'études à domicile inscrit»)

178(1) In this section and sections 178.1 and 370:

“**assessment**” means an evaluation of a pupil’s capacity to learn based on one or more of the following:

- (a) the pupil’s cognitive functioning;
- (b) the pupil’s social-emotional functioning;
- (c) the pupil’s behavioural functioning;
- (d) the pupil’s physical functioning; («évaluation»)

“**pupil with intensive needs**” means a pupil who has been assessed by a board of education or the conseil scolaire in accordance with this section and the regulations as having a capacity to learn that is compromised by a cognitive, social-emotional, behavioural or physical condition. («élève bénéficiant d’un programme de soutien intensif»)

The Home-based Education Program Regulations, 2013

2 In these regulations:

- (b) “**curriculum-based assessment**” means an assessment that:
 - (i) measures a pupil’s progress in the curriculum being studied by the pupil; and
 - (ii) is appropriate for the pupil’s age and ability;

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- (f) **“home-based learner assessment”** means an assessment of a home-based learner:
- (i) in accordance with sections 178 and 178.1 of the Act;
 - (ii) pursuant to a curriculum-based assessment; or
 - (iii) based on a standardized test;
- (k) **“standardized test”** means a normed achievement, aptitude or intelligence test that includes both general and diagnostic tests and that is administered in accordance with the policies established by the minister;

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“Consultative services”-means information that a registering official provides to the home-based educator and the home-based learner according to school division policy.

“Monitoring” means checking compliance with the regulations and policies with respect to the operation of home-based education programs. It also includes assessing the progress of the home-based learner in relation to the written education plan and appropriate with the home-based learner’s age and ability.

“Not inconsistent with” the *Goals of Education for Saskatchewan* means that the written education plan, while it does not have to conform to these official goals, must not be in opposition to these official goals.

“Not inappropriate for the age and ability” of the home-based learner does not mean “appropriate for the age and ability” of the home-based learner. The broad goals identified by the home-based educator may be representative of a range of accepted philosophical thought about the means by which learning occurs based upon the philosophical statement provided by the home-based educator.

“Broad annual goals” means statements of learning or outcomes in each area of study that a home-based educator intends a home-based learner to achieve during the school year in a home-based education program.

“Summative record” means a record of the educational progress of a home-based learner in relation to the written education plan. A summative record is a statement of a student’s academic achievement at the end of a unit, project, course, program or school year.

A **“periodic log”** means a record of the educational activities completed by the home-based learner in relation to the written education plan.

“Samples of work” means samples of any writing, worksheets, workbooks, projects and creative materials used or created by the home-based learner in relation to the written education plan.)

Policy	Instructions
<p>A home-based education program is an educational program:</p> <ul style="list-style-type: none"> - that is provided to a student who has attained the age of 6 years but not attained the age of 18 years; - that is started at the initiative of and is under the direction of the parents of the student; and, - in which the student is receiving instruction at and from the home of the student. <p>Parents mean parents, guardians, or lawful custodians of a student between the ages of 6 and 17 inclusive.</p> <p>Parents who elect to provide a home-based education program to a student of compulsory school age (ages 7 to 15 inclusive) are required to notify a registering authority on the present prescribed form before commencing their program.</p> <p>Parents who are providing a home-based education program for a student aged 6, 16, or 17 (i.e. not of compulsory school age) are entitled to have their program registered with a registering authority.</p> <p>A registering authority means either:</p> <ul style="list-style-type: none"> - the board of education of the school division in which the parents of the student are resident pursuant to <i>The Education Act, 2005</i> - Saskatchewan Ministry of Education <p>No aspect of this notification is intended to diminish or to infringe on the right of parents to educate their children at and from their home in accordance with their conscientious beliefs, subject only to such reasonable limits prescribed by law that can be demonstrably justified in a free and democratic society.</p> <p>Conscientious beliefs mean sincerely-held religious or philosophical beliefs.</p>	<p>Parents shall provide notification of their intent to provide their children with a home-based education program:</p> <ul style="list-style-type: none"> - at least 30 days before commencing a new home-based education program in September of a given year, and in any event by August 15 of that year; - at least 30 days before the oldest student on the program turns seven years of age; - within 30 days of establishing residence in a new school division; or - at least 30 days before intending to withdraw a student of compulsory school age from a public school, separate school, fransaskois school, or registered independent school. <p>A registering authority may not refuse to register a home-based education program on the grounds that the parents failed to comply with one of the above 30-day requirements, where a reasonable attempt to comply was made.</p> <p>Parents shall attach their written educational plan to their notification form.</p> <p>Parents are required to complete only one notification form and one written educational plan for their home-based education program, no matter how many students are receiving instruction on the program. However, the registering authority will register each student on the program individually.</p> <p>In the first instance, parents must notify the board of education of the school division in which they are resident of their intent to educate their children on a home-based education program.</p> <p>If parents send their notification form and written educational plan to Saskatchewan Ministry of Education, they must provide compelling reasons for doing so.</p>

Student Information					
What is the expected date of commencement of the home-based education program?					
In the chart below, please provide the name, gender, date of birth, last school each student attended, the year and the grade level completed.					
Name of Student	Gender	D.O.B.	Last school student attended	Year	Grade
Parent Information					
Please provide the name, address, telephone number and email of the parent(s) who are responsible for and who are directing the home-based education program. In case of the two-parent families, either one parent or both parents may be responsible for the home-based education program.					
Name of Parent(s)		Phone Number		Email	
Mailing Address		City/Town		Postal Code	
Street Address (if not same as above)		City/Town		Postal Code	
The parent or parents who are responsible for and directing the home-based education program must lawfully have charge and custody of each student on the home-based education program. If applicable, explain any circumstances such as guardianship, separation, or divorce which relates to the charge and custody of the student(s) on the program.					
Registering Authority					
Name of the school division in which the parent(s) reside:					
This notification is being sent to:					
<input type="checkbox"/> School Division Office			<input type="checkbox"/> Independent Schools & Home-based Education, Ministry of Education.		
If you are sending this notification to the Saskatchewan Ministry of Education, provide compelling reasons why you are doing so.					

Declarations		Registration	
<ul style="list-style-type: none"> - We (or I) <i>affirm</i> that the above information is complete and correct. - We (or I) <i>affirm</i> that we (or I) accept the control, direction, and management of the home-based education program. - We (or I) <i>affirm</i> that we (or I) accept the responsibility for the education of the students on the home-based education program. - We (or I) <i>affirm</i> our intention to comply with the written educational plan that is attached to this notification form. - We (or I) understand that a false declaration represents grounds for not registering the home-based education program, or for suspending or cancelling the registration at some future date. 		<p>This notification is in compliance with the Act, Regulations and the policies and this home-based education program is hereby registered.</p>	
Parent/Guardian	Date		
Parent/Guardian	Date	Registering Authority	Date
<p>In accordance with subsection 26(2) of <i>The Freedom of Information and Protection of Privacy Act</i>, you are advised that the information on this form is being collected solely for the purpose of the registration of your home-based education program. Personal information will not be disclosed except in compliance with the Act.</p>			

Policy	Instructions
<p>The intent of the written educational plan is for the parents to demonstrate that they have a positive and constructive approach to the education of their children before commencing their home-based education program.</p> <p>Each written educational plan shall be:</p> <ul style="list-style-type: none"> - not inconsistent with the official <i>Goals of Education</i> for Saskatchewan; and, - not inappropriate for the age and ability of the students on the program. <p>The written educational plan shall contain a statement or a description of:</p> <ul style="list-style-type: none"> • the reason for and the philosophical approach of the home-based education program; • the areas of study and learning outcomes for each student on the home-based education program for the coming school year; • the educational activities, the instructional methods, and the learning resource materials which the parents expect to utilize in order to achieve the learning outcomes for each student during the coming school year; and, • the means of assessing and recording the educational progress of each student on the program. <p>Since home-based education is, by its very nature, less structured and more experiential than instruction normally provided in a school or registered independent school, the written educational plan is not required to contain a scope and sequence of content to be taught throughout the school year.</p> <p>Parents shall not be required to include in their written educational plan any concept, topic, or practice in conflict with their conscientious beliefs, or to exclude from their written educational plan any concept, topic, or practice consistent with their conscientious beliefs.</p> <p>Parents may make curricular and instructional adjustments to their home-based educational program during a school year in accordance with the educational needs and progress of each student on the program, as long as these adjustments are consistent with their educational plan.</p> <p>Parents may make amendments to their written educational plan during a school year, as long as the amendments are acceptable to the registering authority.</p>	<p>The written educational plan outlines the home-based education program. As long as the written educational plan contains the four elements listed to the left, parents have the freedom to structure their plan in accordance with the philosophical approach of their program.</p> <p>Parents are required to attach only one writing educational plan to their notification form, no matter how many students are receiving instruction on their home-based education program. While some elements such as the philosophical approach will be common to the entire program, other elements such as the learning outcomes should be specific to each student on the program.</p> <p>Areas of study refer to subject areas including language arts, mathematics, science, and social studies.</p> <p>Learning outcomes refer to the understanding and abilities which parents intend students to develop during a school year on a registered home-based education program.</p> <p>In the case of a student with intensive needs on a home-based education program, the learning outcomes must account for the intensive needs and abilities of the student.</p> <p>Since the <i>Goals of Education for Saskatchewan</i> are intended to accommodate both the aspirations of all parents for their children, and the needs and abilities of all students enrolled in schools, home-based education programs:</p> <ul style="list-style-type: none"> • are not required or expected to provide learning opportunities to achieve all the <i>Goals of Education for Saskatchewan</i>, and, • may be focused on the achievement of a select number of goals. <p>Where applicable, the written educational plan should include reference to the major supplier, if any, of learning resource materials for the home-based education program, such as a distance education school.</p> <p>The written educational plan may be self-generated, with or without the help of a home-based education support group, or commercially generated by a supplier of home-based education criteria.</p> <p>The written educational plan should contain adequate information for the registering authority to have a fair opportunity to determine whether the plan is not inconsistent with the <i>Goals of Education for Saskatchewan</i> and not inappropriate for the age and ability of each student on the program</p>

Appendix D: Goals of Education for Saskatchewan (1985)

Goals of education in Saskatchewan should direct efforts to develop the potential of all students in the province. Education should affirm the worth of each individual and lay the foundation for learning throughout life. Students benefit from exposure to learning in a variety of situations. Attainment of the goals is a venture the school shares with the student, the home, the church, and the community. Although the degree of school responsibility will vary from community to community, the school has some responsibility for each goal. A body of knowledge and a range of skills and attitudes are necessary to function in a changing world. It is intended, then, that education will enable Saskatchewan students to do the following to the best of their abilities:

BASIC SKILLS

- 1 Read, write, and compute,
- 2 Acquire information and meaning through observing, listening, reading and experiencing.
- 3 Process information through intellectual and technological means.
- 4 Solve problems by applying basic principles and processes of the sciences, arts, and humanities.
- 5 Communicate ideas through written and spoken language, mathematical symbols, and aesthetic expression.

LIFE-LONG LEARNING

1. Seek and value learning experiences.
2. Act as self-reliant learners.
3. Base actions on the knowledge that it is necessary to learn throughout life.

UNDERSTANDING AND RELATING TO OTHERS

1. Act on the belief that each individual is worthwhile.
2. Base actions on the recognition that people differ in their values, behaviours, and life styles.
3. Interact and feel comfortable with others who are different in race, religion, status, or personal attributes.
4. Develop a sense of responsibility toward others.

SELF CONCEPT DEVELOPMENT

- 1 Perceive themselves in a positive way.
- 2 Appreciate their own abilities and limitations.
- 3 Set and work toward personal goals.
- 4 Assess praise and criticism realistically.
- 5 Present themselves with confidence.

POSITIVE LIFE STYLE

- 1 Practice appropriate personal hygiene, engage in sufficient physical activity, and maintain a nutritionally balanced diet.
- 2 Avoid harmful use of alcohol and other drugs.
- 3 Cultivate interests that may be the basis for personal development and leisure pursuits.
- 4 Recognize the importance of productive activity.
- 5 Display initiative and pursue tasks diligently.
- 6 Maintain a safe and healthful community.
- 6 Respect and seek to enhance the environment.

- 7 Appreciate beauty in its many natural and constructed forms.

- 8 Express themselves creatively.

SPIRITUAL DEVELOPMENT

- 1 Seek an understanding of the purpose and worth of human existence.
- 2 Develop a knowledge of God.
- 3 Respect family, religion, and culture in a pluralistic society.

CAREER AND CONSUMER DECISIONS

- 1 Develop an awareness of career opportunities.
- 2 Develop interests and abilities in relation to vocational expectations.
- 3 Adapt to shifts in employment patterns and technology.
- 4 Make informed consumer decisions.

MEMBERSHIP IN SOCIETY

- 1 Assume responsibility for their own actions.
- 2 Work with others to achieve individual and group goals.
- 3 Participate in the democratic processes of government and perform the duties of citizenship.
- 4 Respect the rights and property of others.
- 5 Act with honesty, integrity, compassion, and fairness.
- 6 Develop a sense of national pride and acknowledge the need for international understanding.
- 7 Work toward greater social justice.
- 8 Assume responsibility for dependent persons in a manner consistent with their needs.
- 9 Respect law and authority.
- 10 Exercise the right of dissent responsibly.

GROWING WITH CHANGE

- 1 Work toward immediate and long-term goals
- 2 Base actions on an understanding that change is a natural process in society.
- 3 Select workable alternatives in response to changing conditions.
- 4 Develop confidence in making decisions that involve risk.

Appendix E: Broad Areas of Learning (June 22, 2010)

Note to Reader: The Broad Areas of Learning reflect the desired attributes for Saskatchewan's PreK-12 students. The descriptions below show the knowledge (factual, conceptual, procedural, metacognitive) that students will achieve throughout their PreK-12 schooling career.

Sense of Self, Community, and Place²

(Related to the following Goals of Education: Understanding and Relating to Others, Self Concept Development, and Spiritual Development)

Students possess a positive sense of identity and understand how it is shaped through interactions within natural and constructed environments. They are able to nurture meaningful relationships and appreciate diverse beliefs, languages, and practices from the First Peoples of Saskatchewan and from the diversity of cultures in our province. Through these relationships, students demonstrate empathy and a deep understanding of self, others, and the influence of place on identity. In striving to balance their intellectual, emotional, physical, and spiritual dimensions, students' sense of self, community, and place is strengthened.

Lifelong Learners

(Related to the following Goals of Education: Basic Skills, Lifelong Learning, Positive Lifestyle)

Students are curious, observant, and reflective as they imagine, explore, and construct knowledge. They demonstrate the understandings, abilities, and dispositions necessary to learn from subject discipline studies, cultural experiences, and other ways of knowing the world. Such ways of knowing support students' appreciation of Indigenous worldviews and learning about, with, and from others. Students are able to engage in inquiry and collaborate in learning experiences that address the needs and interests of self and others. Through this engagement, students demonstrate a passion for lifelong learning.

Engaged Citizens

(Related to the following Goals of Education: Career and Consumer Decisions, Membership in Society, and Growing with Change)

Students demonstrate confidence, courage, and commitment in shaping positive change for the benefit of all. They contribute to the environmental, social, and economic sustainability of local and global communities. Their informed life, career, and consumer decisions support positive actions that recognize a broader relationship with, and responsibility for, natural and constructed environments. Along with this responsibility, students recognize and respect the mutual benefits of Charter, Treaty, and other constitutional rights and relationships. Through this recognition, students advocate for self and others, and act for the common good as engaged citizens.

² A sense of place is a geographic concept that attempts to define our human relationship with the environment and knowledge derived from this relationship.

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