

BY EMAIL

May 11, 2018

Mr. Sébastien Proulx
Minister of Education, Recreation and Sports
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Subject: Draft *Homeschooling Regulation*

Minister Proulx:

Within the framework of its mandate, the Québec Ombudsman reviews all bills and draft regulations introduced in the National Assembly or published in the *Gazette officielle du Québec*. When it deems necessary, it intervenes under section 27.3 of its constituting act, which empowers it to call the attention of the government or a chief executive officer of a public body to legislative, regulatory or administrative reforms it deems to be in the public interest.

With this aim in mind, I examined the draft *Homeschooling Regulation* published on March 29, 2018. My comments pertain in particular to the follow-up to the recommendations made in the Québec Ombudsman's special report entitled *Home schooling: for respect of children's right to education*.¹

First, I would like to express my satisfaction with the work thus far by the Ministère de l'Éducation et de l'Enseignement supérieur (MÉES) to review the legal and regulatory framework for homeschooling.

Like Bill 144, the *Act to amend the Education Act and other legislative provisions concerning mainly free educational services and compulsory school attendance*,² the draft Regulation specifies the responsibilities that fall to the parents of homeschooled children, to the Minister and to school boards.

I feel that the draft Regulation presents several measures which, depending on how they are applied, could correct or prevent most of the failings documented in our special report. However, I would like to submit for your consideration certain questions about how the Regulation would be applied.

¹Québec Ombudsman, *Home schooling: for respect of children's right to education*, April 28, 2015, 33 p. [<https://protecteurducitoyen.gc.ca/fr/enquetes-et-recommandations/rapports-speciaux/scolarisation-maison-suivi-apprentissages-enfants>]

² 2017, c. 23. Assented to on November 9, 2017.

ABOUT THE PREPARATION OF A NOTICE

Sections 2 and 3 of the draft Regulation provide that the parents of children who will be homeschooled must prepare a written notice and transmit it to the Minister and the school board that has jurisdiction, within the prescribed deadline.

I acknowledge that the requirement to prepare the notice and to have it processed by the Minister and the school board is driven by the desire to standardize the procedure that parents will be called on to follow for their child to be excused from compulsory school attendance and to be homeschooled.

ABOUT THE FORM AND CONTENT OF THE LEARNING PROJECT

Sections 4 to 7 of the draft Regulation specify the elements of the child's learning project and the time frame for parents to send it to the Minister. I am satisfied to see that parents may either apply the "programs of study established by the Minister" or propose activities conducive to the acquisition of a body of diversified knowledge and skills, including the learning of the French language, another language and mathematics.³

With a view to offering parents a learning project choice, I wonder about the follow-up MÉES intends for Recommendation 5 of our special report concerning expanding access to distance education to homeschooled children under age 16. The new section 459.5.3 of the *Education Act*, introduced by section 15 of Bill 144, offers the Minister the option to "implement a pilot project to experiment or innovate in the field of distance education, or to study, improve or define standards for distance education." **I would like to be informed of your intention to avail yourself of this provision, which, in my opinion, would be a valid response to our recommendation.**

The draft Regulation also lays out a series of elements that learning projects must contain, notably, the chosen instructional approach, a description of the activities chosen to support the learning of the French language, another language and mathematics, the textbooks used and how the student's progress is to be evaluated.

I applaud the Minister's commitment to provide, at parents' request, assistance to develop the student's learning project. I have also taken note that the Minister will also be responsible for examining the learning project, especially the highly sensitive matter of how to evaluate the student's progress. Thus far, school boards have been responsible for this, which created several problems documented extensively in our report.

I note that under subparagraph 1 of the first paragraph of section 5, and subparagraph 1 of section 8 of the draft Regulation, the learning project must be sent to the Minister "on or before September 1 of each year" and that its implementation by the parents must also be carried out "on or before September 1 of each year."

I feel that the deadline for submitting a learning project should be reviewed to provide the time needed for the Minister to examine it and change it if so required, before its implementation. Your answers in this regard when the draft Regulation was being considered by the Committee on Culture and Education on April 12, 2018,

³ Subparagraphs 1 and 2 of section 4 of the draft Regulation.

suggest that this issue has been fully grasped and that it will be examined with a view to rectifying it.

I understand that in order for MÉES to exercise these new responsibilities, it will acquire the required means and expertise for assisting parents in preparing learning projects that will be submitted to the Minister for examination. **I would like to be informed of the actions to be carried out in this regard and of the timeline for deploying the prospective services.**

ABOUT THE IMPLEMENTATION OF THE LEARNING PROJECT AND THE HANDLING OF RELATED DIFFICULTIES

The draft Regulation (sections 8 to 11) specifies that parents are responsible for implementing the student's learning project. They will also have to:

- inform the Minister of any substantial change to the project;
- prepare and send a written report on the implementation of the project;
- attend a monitoring meeting while the project is being implemented.

I am also satisfied to see that sections 12 and 13 of the draft Regulation specify the Minister's obligation to call a meeting with the parents, provide them with assistance and submit recommendations to the parents if a problem arises in implementing the project.

ABOUT THE EVALUATION OF THE STUDENT'S PROGRESS

The draft Regulation specifies that parents must monitor the student's progress while the learning project is being implemented. They may fulfill this obligation using any evaluation method enumerated in section 14.

I endorse the fact that parents are offered a choice of evaluation methods for monitoring the student's learning progress. I am confident that this innovative approach will make it possible to generate the information needed for a clear picture of the student's progress and for making adjustments if needed.

I also welcome the fact that from now on, MÉES is the main contact for parents, who must prepare and send to the Minister two written reports on the student's progress (section 15). The examination of these by the Minister, as provided in section 16 of the draft Regulation, could enhance the consistency of the practices for monitoring and evaluating learning. I also note that the Minister will intervene if "a report does not allow a student's progress to be adequately assessed" (section 16) or if there are "shortcomings" in the student's progress (section 17).

Even though the draft Regulation indicates that the Minister must give reasons for any decision, it does not provide for recourse in the event of a dispute or parents' dissatisfaction with the assistance provided by the Minister for drafting the learning project, its examination and evaluation of the student's progress. To my knowledge, there is no such recourse under the *Education Act*. **It therefore seems to me that a dispute settlement mechanism should be established. I expect to be informed about the recourse that MÉES intends to provide to parents in the event of a dispute.**

ABOUT SUPPORT FROM THE SCHOOL BOARD

The draft Regulation specifies the support role played by school boards, which will be responsible for providing homeschooled students, at the request of the parents and on the conditions it determines, free access to some of their services, infrastructure and technical equipment.

I am pleased to see that in addition to free access to textbooks, instructional material, a school library and sports facilities, the draft Regulation also obliges school boards to provide, on certain conditions, student access to psychological, psychoeducational, special education, remedial education and speech therapy services. These services will be provided at the parents' request and on the conditions determined by the school boards. I would like to know what common guidelines the school boards will have to follow to establish these services and the conditions governing them, so as to ensure fair and free access for all students, no matter which school board has jurisdiction.

However, besides the above access, I wonder why there is no measure for homeschooled children to have a student card entitling them to reduced fees for transportation and other services. I would like to know what your intentions are in this regard.

I would ask that you provide me with confirmation that in the event of a dispute or dissatisfaction with the support and services offered by school boards, homeschooled students and their parents will be allowed to avail themselves of the complaint examination procedure established by their school board and contact the Student Ombudsman.

ABOUT THE COMING INTO FORCE OF THE HOMESCHOOLING REGULATION

Lastly, I would like to draw your attention to the need for transitional measures to facilitate the coming into force of the draft Regulation, slated for July 1, 2018, and implementation of its provisions before the beginning of the 2018 school year. These measures should enable proper training for school board employees in their new responsibilities, notably, compliance with their obligation to report any irregularities in the context of homeschooling to the Director of Youth Protection.⁴

I understand that MÉES and the school boards will work together so that parents are adequately informed as to all the procedures they will have to follow under the new legal and regulatory framework for homeschooling. With this aim in mind, **I expect MÉES to offer a user-friendly information service for parents and school board employees alike. I expect to be informed of the measures you intend to take for that purpose.**

I will therefore peruse the final version of the Regulation with great interest and attentively follow its coming into force and the new framework for homeschooling. I am confident that the new responsibilities entrusted to MÉES will enable it to continue its efforts to document homeschooling practices with a view to the continuous improvement of the services provided to the students and their parents.

Thank you in advance for your response to my requests for further information.

Yours respectfully,

⁴ Section 17.1 of the *Education Act*, introduced by section 3 of Bill 144.

Marie Rinfret
Ombudsperson

c.c.: Ms. Sylvie Barcelo, Deputy Minister of Education and Higher Education
Ms. Louise Cameron, Acting Secretary, Committee on Culture and
Education
Ms. Carolyne Paquette, Secretary, Committee on Institutions