

HOME SCHOOLING

Policy Framework



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Ministère de l'Éducation, du Loisir et du Sport, 2010
ISBN 978-2-550-57805-5 (PDF)

Legal deposit – Bibliothèque et Archives nationales du Québec, 2010

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INTRODUCTION

Over a half century ago, Québec—like other modern societies—developed legislation making education compulsory for children. To fulfill this obligation, all Québec residents aged 6 to 16 must attend either a public or private school, or receive home schooling and benefit from an educational experience that a school board deems equivalent to what is provided at school. Home schooling should thus ensure that students are always prepared to enter or reenter the public or private school system.

In 1987, the Ministère set out the rights of parents and school boards with regard to home schooling in *La scolarisation à domicile : le droit des parents et le droit de la commission scolaire*. That document was revised in 1991.

Many changes have since been introduced under the current education reform, notably with regard to the evaluation of learning. Major differences have also been noted in the way various school boards interact with parents and their home-schooled children, which has led the Ministère de l'Éducation, du Loisir et du Sport to review its position on home schooling.

This document sets out ministerial policies with regard to home schooling so that school boards, parents and other stakeholders can share a more consistent view of the subject. For these policies to give home-schooled children an equal opportunity to succeed, it goes without saying that school boards and parents must work closely together in a manner respectful of the rights and obligations of each party.

This document has three parts. **Part I** discusses the legal framework for home schooling. **Part II** examines the obligations of parents and school boards, providing explanations as needed. **Part III** lists the fees required of parents.

This report focuses solely on the situation described in section 15 (4) of the *Education Act*, which deals with home schooling, and excludes other situations identified in this section.

PART I

Legal framework

The *Education Act* specifies as follows:

Section 14

Every child resident in Québec shall attend school from the first day of the school calendar in the school year following that in which he attains 6 years of age until the last day of the school calendar in the school year in which he attains 16 years of age or at the end of which he obtains a diploma awarded by the Minister, whichever occurs first.¹

Section 15(4)

The following students are exempt from compulsory school attendance: . . .

(4) a student who receives home schooling and benefits from an educational experience which, according to an evaluation made by or for the school board, is equivalent to what is provided at school.

Section 17

Parents must take the necessary measures to ensure that their child attends school as required.

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Parents are recognized as having primary responsibility for their children under the *Civil Code of Québec* and the *Youth Protection Act*. However, the government may intervene in certain situations identified by the *Youth Protection Act* where a child's security or development is in danger. Among these situations, section 38 specifies that:

For the purposes of this Act, the security or development of a child is considered to be in danger if the child is . . . neglected . . . In this Act, . . . (b) "neglect" refers to (1) a situation in which the child's parents or the person having custody of the child do not meet the child's basic needs, . . . (iii) failing to provide the child with the appropriate supervision or support, or failing to take the necessary steps to provide the child with schooling; . . .

Section 38.1 of this Act specifies that:

The security or development of a child may be considered to be in danger where . . . (b) he is of school age and does not attend school, or is frequently absent without reason; (c) his parents do not carry out their obligations to provide him with care, maintenance and education or do not exercise stable supervision over him, while he has been entrusted to the care of an institution or foster family for one year.

In addition, section 39 of the *Youth Protection Act* provides that:

Every professional who, by the very nature of his profession, provides care or any other form of assistance to children and who, in the practice of his profession, has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger within the meaning of section 38 or 38.1, must bring the situation to the attention of the director without delay. The same obligation is incumbent upon any employee of an institution, any teacher, any person working in a childcare establishment or any policeman who, in the performance of his duties, has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger within the meaning of the said provisions.

¹ The school year runs from July 1 to June 30 of the following year.

PART I

It is the duty of certain school board representatives to report to the director of youth protection any parents who refuse to allow an assessment of home schooling and the child's educational experience. Parents whose children fail to qualify for exemption from compulsory school attendance after assessment, but refuse to fulfill this obligation, must also be reported. Conversely, if, after such an assessment, the school board concludes that at home the child receives schooling and benefits from an educational experience equivalent to what is provided or experienced at school, the school board is not required to report this case to the director of youth protection since such a child is excused from attending a school and fulfills the obligation of compulsory school attendance. Generally speaking, the situation should be brought to the attention of the *Direction de la protection de la jeunesse* as a last resort, when talks between the school board and the parents have broken down indefinitely.

In addition, children who are ineligible for instruction in English under the *Charter of the French language* may receive home schooling in English, as these provisions do not apply to them. Consequently, parents may ask the English school board for their area to exempt their child from compulsory school attendance and to assess their child's learning for the purpose of certification. Likewise, parents may ask the French school board for their area to do the same if their child receives home schooling in French. However, home schooling in English does not make a child eligible for schooling in English in public schools or in private educational institutions accredited for the purposes of subsidies under the *Act respecting private education*.

Under all circumstances, open dialogue is essential to all communications between parents and school board representatives.



PART II

Obligations of parents who home school their children

Section 17 of the *Education Act* specifies that parents must take the necessary measures to ensure that their child fulfills the requirement of compulsory school attendance, generally speaking, by attending either a public school or a private school or by being exempted, in accordance with section 15 (4) of this Act.

Educating children

Parents who home school their children are responsible for ensuring that they receive instruction and benefit from an educational experience **equivalent** to what is provided at school, according to an evaluation made by or for the school board. “Equivalent” may be interpreted to mean that the instruction and educational experience must give the child sufficient knowledge and competencies so that the child may enter or reenter the public or private school system. To this end, parents must ensure that their child achieves the learning objectives set out in the programs in effect in Québec schools, or develops the competencies specified by the Québec Education Program (QEP). However, some variation in instructional methods and in the choice of teaching materials is possible.

Parents must be able to:

- ⇒ ensure that their children receive instruction and benefit from an educational experience equivalent to what is provided at school and that will enable them to enter or reenter a Québec school
- ⇒ present an educational plan equivalent to what is provided in Québec schools
- ⇒ present any textbooks and teaching materials that will be used
- ⇒ ensure that their children are available for the school board evaluation.

Parents must consider the aims of the QEP, i.e. development of world-view, construction of identity and empowerment. The QEP is competency-based and that assumes students are able to properly use the means at their disposal, not only their scholastic learning, but also their experiences, skills, attitudes and interests as well as various types of human and material resources.

The QEP is based on three components that must be addressed in a complementary and interactive manner: broad areas of learning, cross-curricular competencies and subject areas. These broad areas of learning are as follows:

- ⇒ Health and Well-Being
- ⇒ Personal and Career Planning
- ⇒ Environmental Awareness and Consumer Rights and Responsibilities
- ⇒ Media Literacy
- ⇒ Citizenship and Community Life

PART II

Parents must also ensure that their children develop intellectual, methodological, personal and social, and communication-related competencies. These cross-curricular competencies touch on the broad areas of learning and are closely tied to subject-specific competencies. In addition, compulsory subjects deemed essential to student learning are grouped into five subject areas:

- ⇒ Languages
- ⇒ Mathematics, science and technology
- ⇒ Social sciences
- ⇒ Arts education
- ⇒ Personal development

Procedure for reporting home-schooled students

Since September 2002, school boards have included home-schooled students when reporting enrollment as of September 30. Parents of home-schooled children must therefore provide the school board with certain official documents (e.g. a full-size birth certificate) to allow it to confirm the identity and age of each child.

School board obligations



Responsibility for evaluation

The francophone school board and the anglophone school board with jurisdiction over the territory in which a home-schooled child resides are responsible for the evaluation required under section 15 (4) of the *Education Act*.

Evaluation of instruction received and educational experience

The school board concerned is responsible for conducting the evaluation required under section 15 (4) of the *Education Act* to exempt a home-schooled child from compulsory school attendance.

It is the duty of the school board concerned to determine whether the instruction a child receives would enable the child to enter or reenter the public or private school system. In this context, it is important for parents to inform the school board as early as possible of their intention to home-school their children and for the school board to inform parents of the requirements of home schooling.

In discharging its responsibility to evaluate the instruction and educational experience of home-schooled children, the school board should not rely exclusively on the evaluation provided for in the teaching method used or the parents' curriculum.

The school board must inform parents of its decision once it has completed the evaluation. Certificates of achievement in evaluated subjects, teachers' comments and suggested strategies for improving the quality of learning could also be provided.

PART II

Time and place of evaluation

The school board should begin its evaluation at the beginning of the school year to ensure that children indeed qualify for exemption from compulsory school attendance and their parents are in compliance with their obligation under section 17 of the Act.

Generally, the school board should conduct **one or more evaluations** to ensure that home-schooled students are receiving instruction equivalent to what is provided at school—notably instruction adapted to their needs—and are benefiting or have benefited from an educational experience equivalent to what is provided at school. Note that the time and place of evaluation is at the school board’s discretion.

Evaluation of Learning

The Policy on the Evaluation of Learning adopted by the Ministère in 2003 should be applied to home-schooled students.

With the education reform, evaluation methods will be adapted to student progress in building knowledge and developing competencies, as well as to the teaching methods used.

The evaluation should be conducted by a teacher who works with students of the same age as the student being evaluated. Evaluators should also use a variety of methods (interviews, portfolios, tests, etc.) that are flexible and adapted to home schooling, and always strive to ensure, as far as possible, that the child does not feel threatened by the exercise.

Collaboration between the school board and the parents is absolutely essential, especially in the areas of evaluation and teaching methods used. Where the school board notes learning problems in home-schooled students, it is responsible for suggesting methods of intervention based on their needs and abilities.

Certification and diploma

The *Basic school regulation for preschool, elementary and secondary education* sets Secondary School Diploma (SSD) requirements as well as the evaluation methods for certifying studies. Home-schooled students are required to take mandatory ministerial examinations in order to obtain an SSD.

Evaluation ethics

It is important to note that school boards must respect the charter rights and freedoms guaranteed to all, particularly the right to freedom of conscience and religion, in conducting the evaluation provided for in section 15 (4) of the *Education Act*.²

Teaching materials

School boards are not required to provide textbooks or teaching materials to home-schooled students in their territory.

Access to school board products and services

School boards are responsible for deciding which products and services they will make accessible or available to home-schooled students.

2 In the case of *Jones vs. The Queen* [1987] 2 S.C.R. 298, the Supreme Court indicated that “in determining whether pupils are under ‘efficient instruction’, it would be necessary to delicately and sensitively weigh the competing interests so as to respect, as much as possible, the religious convictions of the appellant as guaranteed by the Charter. Those who administer the province’s educational requirements may not do so in a manner that unreasonably infringes on the right of parents to teach their children in accordance with their religious convictions.”

PART III

Fees for parents

No charge

Under the *Education Act*, students have the right to have their home schooling evaluated free of charge by the school board with jurisdiction over their territory of residence.

The school board cannot charge students for these evaluations, as the school board possesses only the powers expressly conferred by the *Education Act* with regard to rate setting.

In addition, although school boards are not required to provide textbooks to home-schooled students, should boards decide to supply such materials they may not charge for them as the Act does not grant boards this power.



Appendix I

Excerpts from the *Youth Protection Act*

Section 2

2.1 This Act applies to any child whose security or development is or may be considered to be in danger.

Section 2.2

2.2 The primary responsibility for the care, maintenance and education of a child and for ensuring his supervision rests with his parents.

Section 3

3. Decisions made under this Act must be in the interest of the child and respect his rights.

In addition to the moral, intellectual, emotional and material needs of the child, his age, health, personality and family environment and the other aspects of his situation must be taken into account.

Section 38

38. For the purposes of this Act, the security or development of a child is considered to be in danger if the child is abandoned, neglected, subjected to psychological ill-treatment or sexual or physical abuse, or if the child has serious behavioural disturbances.

In this Act,

- (a) "abandonment" refers to a situation in which a child's parents are deceased or fail to provide for the child's care, maintenance or education and those responsibilities are not assumed by another person in accordance with the child's needs;
- (b) "neglect" refers to
 - (1) a situation in which the child's parents or the person having custody of the child do not meet the child's basic needs,
 - (i) failing to meet the child's basic physical needs with respect to food, clothing, hygiene or lodging, taking into account their resources;
 - (ii) failing to give the child the care required for the child's physical or mental health, or not allowing the child to receive such care; or
 - (iii) failing to provide the child with the appropriate supervision or support, or failing to take the necessary steps to provide the child with schooling; or
 - (2) a situation in which there is a serious risk that a child's parents or the person having custody of the child are not providing for the child's basic needs in the manner referred to in subparagraph 1;
- (c) "psychological ill-treatment" refers to a situation in which a child is seriously or repeatedly subjected to behaviour on the part of the child's parents or another person that could cause harm to the child, and the child's parents fail to take the necessary steps to put an end to the situation. Such behaviour includes in particular indifference, denigration, emotional rejection, isolation, threats, exploitation, particularly if the child is forced to do work disproportionate to the child's capacity, and exposure to conjugal or domestic violence;

Appendix I

- (d) “sexual abuse” refers to
 - (1) a situation in which the child is subjected to gestures of a sexual nature by the child’s parents or another person, with or without physical contact, and the child’s parents fail to take the necessary steps to put an end to the situation; or
 - (2) a situation in which the child runs a serious risk of being subjected to gestures of a sexual nature by the child’s parents or another person, with or without physical contact, and the child’s parents fail to take the necessary steps to put an end to the situation;
- (e) “physical abuse” refers to
 - (1) a situation in which the child is the victim of bodily injury or is subjected to unreasonable methods of upbringing by his parents or another person, and the child’s parents fail to take the necessary steps to put an end to the situation; or
 - (2) a situation in which the child runs a serious risk of becoming the victim of bodily injury or being subjected to unreasonable methods of upbringing by his parents or another person, and the child’s parents fail to take the necessary steps to put an end to the situation;
- (f) “serious behavioural disturbance” refers to a situation in which a child behaves in such a way as to repeatedly or seriously undermine the child’s or others’ physical or psychological integrity, and the child’s parents fail to take the necessary steps to put an end to the situation or, if the child is 14 or over, the child objects to such steps.

Section 38.1

38.1. The security or development of a child may be considered to be in danger where:

- (a) he leaves his own home, a foster family, a facility maintained by an institution operating a rehabilitation centre or a hospital centre without authorization while his situation is not under the responsibility of the director of youth protection;
- (b) he is of school age and does not attend school, or is frequently absent without reason;
- (c) his parents do not carry out their obligations to provide him with care, maintenance and education or do not exercise stable supervision over him, while he has been entrusted to the care of an institution or foster family for one year.

Section 39

39. Every professional who, by the very nature of his profession, provides care or any other form of assistance to children and who, in the practice of his profession, has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger within the meaning of section 38 or 38.1, must bring the situation to the attention of the director without delay. The same obligation is incumbent upon any employee of an institution, any teacher, any person working in a childcare establishment or any policeman who, in the performance of his duties, has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger within the meaning of the said provisions.

Any person, other than a person referred to in the first paragraph, who has reasonable grounds to believe that the security or development of a child is considered to be in danger within the meaning of subparagraphs *d* and *e* of the second paragraph of section 38 must bring the situation to the attention of the director without delay.

Appendix I

Any person, other than a person referred to in the first paragraph, who has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger within the meaning of subparagraph *a, b, c* or *f* of the second paragraph of section 38 or within the meaning of section 38.1 may bring the situation to the attention of the director.

The first and second paragraphs apply even to those persons who are bound by professional secrecy, except to an advocate who, in the practice of his profession, receives information concerning a situation described in section 38 or 38.1

Appendix II

Excerpts from the *Education Act*

Section 1

1. Every person is entitled to the preschool education services and elementary and secondary school instructional services provided for by this Act and by the basic school regulation made by the Government under section 447, from the first day of the school calendar in the school year in which he attains the age of admission to the last day of the school calendar in the school year in which he attains 18 years of age, or 21 years of age in the case of a handicapped person within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1).

Every person is also entitled to other educational services, student services and special educational services provided for by this Act and the basic school regulation referred to in the first paragraph and to the educational services prescribed by the basic vocational training regulation established by the Government under section 448, within the scope of the programs offered by the school board.

The age of admission to preschool education is 5 years on or before the date prescribed by the basic school regulation; the age of admission to elementary school education is 6 years on or before the same date.

Section 3

3. The educational services provided for by this Act and prescribed by the basic school regulation established by the Government under section 447 shall be provided free to every resident of Québec entitled there to under section 1. . . .

Section 14

14. Every child resident in Québec shall attend school from the first day of the school calendar in the school year following that in which he attains 6 years of age until the last day of the school calendar in the school year in which he attains 16 years of age or at the end of which he obtains a diploma awarded by the Minister, whichever occurs first.

Appendix II

Section 15

15. The following students are exempt from compulsory school attendance:

- (1) a student excused by the school board by reason of illness or for the purpose of receiving medical treatment or care required by his state of health;
- (2) a student excused by the school board, at the request of his parents and after consultation with the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities established under section 185, by reason of a physical or mental handicap which prevents him from attending school;
- (3) a student expelled from school by the school board pursuant to section 242;
- (4) a student who receives home schooling and benefits from an educational experience which, according to an evaluation made by or for the school board, are equivalent to what is provided at school.

A child is excused from attending public school if he attends a private educational institution governed by the Act respecting private education (chapter E-9.1) or an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) which provides all or part of the educational services provided for by this Act.

A child is also excused from attending public school if the child attends a vocational training centre or receives instruction in an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of the Act respecting private education.

In addition, the school board may exempt one of its students, at the request of his parents, from compulsory school attendance for one or more periods totalling not more than six weeks in any school year, to allow him to carry out urgent work.

Section 17

17. Parents must take the necessary measures to ensure that their child attends school as required.

Section 18

18. The principal shall ascertain, in the manner determined by the school board, that students attend school regularly.

Where a student is repeatedly absent without a valid excuse, the principal or the person designated by him shall intervene with the student and his parents to come to an agreement with them and with the persons providing the school social services with respect to the most appropriate measures to remedy the situation.

When the intervention does not allow the situation to be remedied, the principal, after notifying the parents of the student in writing, shall report it to the director of youth protection.

