



Gary Diamond

Perspectives on Home Schooling

The Education Act recognizes the following types of schools: English and French language public schools, English and French language Separate schools, and private schools. The Education Act also recognizes that parents are able to teach their children at home, commonly referred to as home schooling. Interestingly, the term home schooling is not used in either the *Education Act* or Ministry of Education regulations or policies.

In other parts of Canada, particularly the Western Provinces, the term home schooling has either been defined in legislation or developed as a distinct Regulation. In provinces where this has been done, notably in Saskatchewan, Manitoba, and British Columbia, parents and school boards understand the requirements they must follow if parents wish to educate their children at home. Unfortunately, in Ontario, there is no definition of home schooling or a procedure for assessing it. As a result, many school board officials are uncertain about the limits of their authority to supervise home schoolers by determining satisfactory instruction.

Estimates vary as to the number of compulsory school-aged children being home schooled in Ontario. The most recent statistic from Ministry of Education School September Reports indicate that in the year 1999-2000, there were close to 3,000 students being home schooled. The Ontario Federation of Teaching Parents (OFTP) reports on its web site (www.ontariohomeschool.org) that there are close to 20,000 children who are being home schooled. Because there are parents who do not inform their local school board that they

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are providing home schooling for their children, it is difficult for school boards to know the exact numbers. The truth may well lie somewhere between these two figures. The number is probably well below the figure cited by OFTP but more than the 3,000 reported to the Ministry of Education.

The closest reference to home schooling can be found in section 21(2)(a) of the *Education Act* which states that a child may be excused from attendance at school if (s)he is receiving "satisfactory instruction at home or elsewhere." However, the Act does not define what is meant by "satisfactory instruction." Therefore the major difficulty with this reference is that nothing in the *Education Act* indicates how satisfactory instruction is to be measured. This task has generally been assigned to school boards by the Ministry

INSTITUTIONAL BIAS

One of the recurring themes of the Throne Speech by the Government of Ontario with regard to education reform stressed its commitment to the concept of choice and flexibility for parents in their children's education. In a statement to the Legislature by the Hon. Janet Ecker, Minister of Education, on April 26, 2001, she said that the Government will "eliminate the institutional bias against home schooling." Perhaps this is an admission that the Ministry of Education has yet to develop specific policies and procedures in this area. This recent announcement provides a timely opportunity to reflect upon the current legal status of home schooling in Ontario.



despite the fact that there is nothing explicit in the *Education Act* that gives school boards the authority to approve the educational program being provided by the parent. Notwithstanding that there is no statutory authority given to school boards to approve home school programs, it has been the Ministry of Education's position that school boards have this authority. As a result, practices vary throughout the

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province with regard to how school boards handle home schooling within their jurisdictions.

In 1981, the Provincial School Attendance Counsellor of the day issued a memorandum to School Board Directors suggesting some criteria that school boards could use in order to assist them in making a determination of satisfactory instruction. Although this Memorandum has been helpful to some school boards, it is outdated. This Memorandum was sent to school board directors to assist them in interpreting the phrase “satisfactory instruction” and to provide possible methods of determining satisfactory instruction. It was not distributed to school boards as a general Ministry policy statement. Despite many requests by school boards to the Ministry of Education to have the issue of the determination of satisfactory instruction at home clarified, there has been no new policy development. There has not been any regulatory legislation to help school boards or parents understand the accountability mechanisms, or the extent of the authority of school boards to approve home schooling programs. Some school boards have interpreted the 1981 Memorandum

as official ministry policy, and they require their home schooling parents to have their programs approved. Other school boards ignore the Memorandum and treat their home schooling communities with benign neglect.

If a home schooling parent refuses to cooperate with a school board official, or if a home school feels that the local school board is trying to become too intrusive, the home schooling parent is able to obtain legal advice from the Home School Legal Defence Association (HSLDA). This organization is committed to the belief that the parent is the primary agent responsible for providing the child with an education. HSLDA believes that the State has a minimal role to play in ensuring that a child is receiving an adequate education. HSLDA has played a useful role as an advocate for home schooling parents in preventing potential litigation with local school boards and with the Ministry of Education’s Provincial School Attendance Counsellor.

The issue of who is responsible for ensuring that children receive a satisfactory education has been dealt with to some extent in the Courts. In 1986 this issue reached the Supreme Court of Canada in the landmark decision of *Jones vs. The Queen* in which the court stated that:

“the province, and indeed the nation, has a compelling interest in the ‘efficient instruction’ of the young. A requirement is that a person who gives instruction at home or elsewhere have that instruction certified as being efficient is ... demonstrably justified in a free and democratic society.”


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Despite the ruling of the Jones case, many home schooling parents and their associations refuse to accept the authority of the school board’s right to monitor their children’s education. Many school board officials, in this era of budget cutbacks, simply do not have the resources to carry out any significant monitoring of their home schoolers. Furthermore, they do not necessarily wish to interfere with parents who have actively decided to opt out of the publicly funded education system. School boards do not receive specifically targeted gov-

ernment funds to cover the costs of monitoring home schoolers. Home schooling parents do not receive any financial support from the Government for educating their children at home. This is in sharp contrast to the passage of Bill 45, providing some tax credits to parents whose children attend private schools.

If home schooling parents are not accountable to local school boards, to the Ministry of Education, or some other educational authority, there can be problems for these children, their parents, and the local school, once these children re-enter the school system. Without some type of monitoring for basic literacy and numeracy achievement, how will parents and schools be aware of the quality of the child’s academic achievement? A large number of home schooled children eventually do find their way back to their local school by the time they are ready to begin their secondary education. It is therefore important to have some type of regulatory legislation or policy that clearly gives school boards and home schooling parents greater direction.

Because the *Education Act* recognizes the right of parents to educate their children at home, there should be legislation, specific policies or an articulation of basic principles that support home schooling. Local school boards have asked for and deserve clearer guidelines in order to avoid unnecessary conflict with their home schooling communities. The home schooling movement is growing. The Ministry of Education would be well advised to provide greater leadership to this sector. ■



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