EXC/14/10/1527

November 13, 2014

Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File #: EDU/013/2014)

On October 9, 2014, the Department of Education and Early Childhood Development received your request for access to the following records/information:

1) "A copy of the training manual as well as associated policies and procedures regarding sensory rooms in schools
2) The number of sensory rooms located within the English School Board, and their locations
3) A list of schools trained in the use of these rooms and the dates of the training/professional development
4) A yes or no answer to: If people who have not received the appropriate training are able to use these rooms for children with ASD
5) Copies of the five most recent briefing notes, information notes, etc on home schooling
6) The number of children who have ASD that:
   a. Are currently being completely home schooled, as well as
   b. Are being home schooled but are on a transition plan
7) The total number of children currently being home schooled in this province.

Please be advised that the Newfoundland and Labrador English School District will respond to numbers 2, 3, 4, and 6. The Department of Education and Early Childhood Development is responding to numbers 1, 5, and 7.

I am pleased to inform you that your request for access to these records has been granted in part.

1) The department does not have any training manuals or policies and procedures regarding sensory rooms in schools.

5) Copies of the five most recent briefing notes, information notes, etc on home schooling are enclosed. Access to some of the information contained within these records has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

s. 20 (1) The head of a public body may refuse to disclose to an applicant information that would reveal
   (a) Advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

.../2
s. 21 The head of a public body may refuse to disclose to an applicant information (b) that would disclose legal opinions provided to a public body by a law officer of the Crown.

The following pages have been removed in their entirety in accordance with subsection 20(1)(a):

- Page 2 - from a briefing note prepared by Glen Loveless on October 28, 2001
- Page 4 - from a briefing note prepared by Glen Loveless on December 19, 2001
- Page 6 - from a briefing note prepared by Glen Loveless on April 3, 2003
- Page 9 - from a briefing note prepared by Glen Loveless on July 11, 2003
- Page 14 - from a briefing note prepared by Glen Loveless on April 3, 2003
- Page 16 - from a briefing note prepared by Glen Loveless on December 19, 2001

7) The total number of children registered to be homeschooled in school year 2013-14 in this province is 144 as per the 2013/14 Annual General Return. Current school year information is not available at this time.

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal the refusal to the Supreme Court Trial Division. A request to the Information and Privacy Commissioner shall be made in writing within 60 days of the date of this letter or within a longer period that may be allowed by the Commissioner.

Records that are refused on the basis of section 21 (legal advice) or section 18(2)(a) (official cabinet record), you must appeal directly to the Supreme Court Trial Division within 30 days after you receive the decision of the public body, pursuant to section 60. You may also contact the Office of the Information and Privacy Commissioner who may decide to initiate an appeal pursuant to subsection 60(1.1).

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
3rd floor, Sir Brian Dunfield Building
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL A1B 3V8
Telephone: (709) 729-6309
Facsimile: (709) 729-6500

In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 of the Act sets out the process to be followed when filing such an appeal.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact Brian Evans, ATIPP Coordinator, by telephone at 709-729-1841 or by e-mail at brianevans@gov.nl.ca.

Sincerely,

Janet Vivian-Walsh
Deputy Minister
HOME SCHOOLING COSTS

Issue:
• Need to consider the Department's policy on the provision of resources for home schooling.

Background:
• The Schools Act (1997), Sections (6) (7), makes provision for parents to home school their children, and requires that students be registered with a school in the province. Section 5(c) makes the Director of Education primarily responsible for approval and monitoring of home schooling.

• Home schooled children in Grades K-8 obtain student textbooks from the school in which they are registered. Those in Grades 9-12 pay 60% of the cost of textbooks, like students being instructed in the province's public schools.

• If the provincial curriculum is being followed in the home schooling situation, in many courses/subject areas the person providing instruction needs curriculum guides and the teachers' resources in order for students to receive effective instruction at home. Teacher resources are often quite costly.

• While school districts sometimes direct parents to obtain copies of curriculum guides and teachers' guides from the Department of Education, the Department of Education's current policy does not make provision for supplying home schooled students with these documents. Parents wishing teachers' guides are required to purchase them.

• While the number of home schooled children in the province of Newfoundland and Labrador is small (probably less than 50 students), the number is growing.

Options:
1. "s.20(1)(a)"
2. "s.20(1)(a)"
3. "s.20(1)(a)"
HOME SCHOOLING COSTS

Issue:
• Need to consider the Department’s policy on the provision of resources for home schooling.

Background:
• The Schools Act (1997), Sections (6) (7), makes provision for parents to home school their children, and requires that students be enrolled in a school in the province. Section 5(c) makes the Director of Education responsible for considering requests for home schooling, granting approval where the Director is satisfied the students will be under efficient instruction, and monitoring of home schooling.
• In granting approval, the Director actually grants permission for the student to be absent from school during the period for which instruction is provided elsewhere.
• The Schools Act (1997) transfers virtually all responsibility for home schooling to the Director. This has, in effect, removed responsibility from the Department.
• Providers of home schooling are required to use the curriculum prescribed by the Minister or an alternative curriculum requested by the school board and approved by the Minister.
• Since these students are considered to be students of the school, they are provided student texts from the school and other materials in the same manner as students attending school. Consequently, those students:
  > in grades K-8 are provided free texts (except for consumables), and
  > in grades 9-12 are required to pay 60% of the cost of texts.
• If the provincial curriculum is being followed in the home schooling situation the person providing instruction would require the appropriate curriculum guides and the teachers’ resources. Those are currently provided free of charge to the person providing the instruction at the request of the school, at a cost to the Department of Education of up to $1,500 per student.
• Currently, approximately 50 students have received approval to be absent for home schooling.

Options:
1. 

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s.21(b)
s.20(1)(a)
HOME SCHOOLING

Issue:
- Department’s approval of curricula and provision of resources for home schooling.

Background:
- The Schools Act (1997), Sections (6) (7), makes provision for parents to home school their children, and requires that students be enrolled in a school in the province. Section 5(c) makes the Director of Education responsible for considering requests for home schooling, granting approval where the Director is satisfied the students will be under efficient instruction, and monitoring of home schooling.
- In granting approval, the Director actually grants permission for the student to be absent from school during the period for which instruction is provided elsewhere.
- The Schools Act (1997) transfers virtually all responsibility for home schooling to the Director. This has, in effect, removed responsibility from the Department.
- Providers of home schooling are required to use the curriculum prescribed by the Minister or an alternative curriculum requested by the school board and approved by the Minister.
- Since these students are considered to be students of the school, if they use the provincial curriculum, they are provided student texts from the school and other materials in the same manner as students attending school. Consequently, those students:
  - in grades K-8 are provided free texts (except for consumables), and
  - in grades 9-12 are required to pay 60% of the cost of texts.
- If the provincial curriculum is being followed in the home schooling situation the person providing instruction would require the appropriate curriculum guides and, quite often, the teachers’ resources. Those are currently provided free of charge to the person providing the instruction at the request of the school, at a cost to the Department of Education of up to $1,500 per student.
- Correspondence from Manitoba indicates that some 12 different Christian curricula are used in that province (Abeka, Bob Jones, Alpha-Omega, Accelerated Christian Education (ACE), Son Light, Christian Light Education, Saxon, Apologia, Horizons, Pathway, and Rod and Staff), with all being “equivalent in terms of academic rigour to the curriculum offered in public schools. One in particular (Bob Jones University which begins at grade 1 and goes to grade 12) would be more academically demanding.” (Email from John Shaw, MB Education, December 6, 2002) Discussions with John Shaw on February 21, 2003 note that Manitoba has not done a formal evaluation of these home school curricula. Rather, the assessment is based on general observations comparing the home school curricula to Manitoba’s curriculum standards and the fact that home school graduates tend to perform exceptionally well in university.
- Currently, approximately 50 students have received approval to be absent for home schooling.
- Deputy Ministers of Education in the Atlantic region have identified home schooling as a regional issue and asked that it be discussed at a future Board meeting.

Assessment:
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DIRECTION ON HOME SCHOOLING

Issue:
- Department’s approval of curricula and provision of resources for home schooling.

Background:
- The Schools Act (1997), Sections (5) (6) (7), makes provision for parents to home school their children, and requires that students be enrolled in a school in the province. These sections state:

5. *Notwithstanding section 4, a student is excused from attending a school where the student, with the prior written approval of the Director, is under instruction satisfactory to the Director, at home or elsewhere, for a period specified by the Director.*

6. *(1) A parent of a student may provide, at home or elsewhere, instruction for that student where the student is excused from attending school under paragraph 5(c).*
   
   *(2) A student who is excused from attending school under paragraph 5(c) shall be enrolled under section 15.*

7. *The period for which a student may be excused from attending a school under paragraph 5(c).*
   
   *(a) shall be valid for no longer than a school year; and*
   
   *(b) may be renewed upon application to the Director each school year.*

- Section 5(c) makes the Director of Education responsible for considering requests for home schooling, granting approval where the Director is satisfied the students will be under efficient instruction, and monitoring of home schooling.
- In granting approval, the Director actually grants permission for the student to be absent from school during the period for which instruction is provided elsewhere.
- The Schools Act (1997) transfers virtually all responsibility for home schooling to the Director. This has, in effect, removed responsibility from the Department.
- Based on Sections 117(b) and 75(l) of the Act, these two sections state:

117(b) *The minister may*

*(a) prescribe books, materials, programs and courses of study for schools;*

75(l) *A board shall*

*(m) ensure that those courses or programs of study...and the materials prescribed by the minister are followed in the schools under its control;*

The Director of Program Development authorizes, on behalf of the Minister, provincial curriculum and approves alternate texts as well as courses developed by school boards and other organizations for use in high schools. In other words, all curricula used in the province’s schools, whether they be provincially prescribed curriculum or curriculum developed from another source, are approved by the Director of Program Development on behalf of the Minister.
- Consequently, providers of home schooling are required to use the curriculum prescribed by
the Minister or an alternative curriculum requested by the school board and approved by the Minister.

- Since these students are considered to be students of the school, if they use the provincial curriculum, they are provided student texts from the school and other materials in the same manner as students attending school. Consequently, those students:
  - in grades K-8 are provided free texts (except for consumables), and
  - in grades 9-12 are required to pay 60% of the cost of texts.

- If the provincial curriculum is being followed in the home schooling situation the person providing instruction would require the appropriate curriculum guides and, quite often, the teachers' resources. Those are currently provided free of charge to the person providing the instruction at the request of the school, at a cost to the Department of Education of up to $1,500 per student.

- Correspondence from Manitoba indicates that some 12 different Christian curricula are used in that province (Abeka, Bob Jones, Alpha-Omega, Accelerated Christian Education (ACE), Son Light, Christian Light Education, Saxon, Apologia, Horizons, Pathway, and Rod and Staff), with all being "equivalent in terms of academic rigour to the curriculum offered in public schools. These are also widely used in other jurisdictions.

- Currently, approximately 50 students have received approval to be absent for home schooling.

Assessment:

- The home school curricula noted above are used widely in provinces with high academic standards, e.g., Alberta and Manitoba. Graduates from these curricula tend to perform quite well in post-secondary institutions, often better than students attending school and using the public curriculum.
Homeschooling Notes
Summary of Homeschooling for Brad Clarke, February 20, 2013

Overview and Background

- A committee was established in 2001 (chaired by Dr. Glenn Loveless) to look at the following
  - The nature of the Director of Education responsibilities,
  - The process for assessment of home school programs
  - Testing (provincial and local)
  - Provision of learning/teaching resources

- The committee reviewed policies of other jurisdictions as well as requesting a list of the programs/curricula approved for use. There was an assessment or review of the programs being offered in other provinces. A listing of those programs which were deemed to address most of the NL curriculum outcomes was compiled. This list has not been updated. s.20(1)(a), s.21(b)

- WSD, LSB, and ESD have clearly articulated policies pertaining to homeschooling on their website. There is much commonality between these three policies. Each outlines the responsibility of the District and the parents. NCSD is in the process of updating their policy and plan to produce a Handbook to help parents decide if homeschooling is right for them and to offer assistance for the parent who plans to pursue homeschooling. Each district has
mechanisms to help ensure the homeschooling decision is appropriate for the students and to attempt to assess the progress of students on a yearly basis.

- ESD's policy states that other than provincial curriculum, they will approve "...the curricula that have been approved by the Department of Education for home schooling." s.20(1)(a).
- DOE does not have a formal written policy for homeschooling as our role and responsibility are directed by the Schools Act (1997). s.20(1)(a).

Concerns raised by districts

- A concern was raised with respect to the assessment of students when the parent is using curricula other than the prescribed provincial curriculum. When parents use an alternate curriculum this makes district assessment and follow up much more difficult.

- When parents use an alternate curriculum, can the district require them to use common/standardized assessments to inform the district's judgment of the child's satisfactory progress?

- Some parents use homeschooling as a means to avoid the requirement that their child(ren) attend school (as per the Schools Act). The concern raised is that the district gets no support form Child and Family Services for School attendance if children are being cared for and especially if they are having their needs met. Related to this are children that may be under the care of Child welfare or being monitored and weighing the rights of the parent to homeschool their child.

Cost of Homeschooling

- Given that homeschooled children are required to be registered with a school in the district where they reside, DOE is responsible for providing any required learning materials for those parents who opt to use the provincially prescribed curriculum. Some parents may opt to use an alternate curriculum and supplement with selected courses from the prescribed provincial curriculum. This would include teacher resources.

- As a result, it is difficult to put an exact value on the cost of homeschooling to the DOE. In the note from Dr. Loveless, it was estimated that the cost per student would be approximately $1500. Depending on the level of resourcing per course, the actual cost can be much greater. For example, the resource kits that accompany Grade 4 ELA are approximately $4000 per kit. DOE would be expected to provide this kit to any homeschooling parent that is using the prescribed ELA curriculum. To this date, 34 parents have requested various resources; some for the entire prescribed curriculum, others for only selected courses. (see also Appendix B for more detailed note on costs by Dr. Loveless)
Growth of homeschooling

- The following table represents the growth in homeschooling since 2002 – 2003 school year.

<table>
<thead>
<tr>
<th>Year</th>
<th>Labrador</th>
<th>Western</th>
<th>Nova Central</th>
<th>Eastern</th>
<th>Francophone</th>
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<td>15</td>
<td>21</td>
<td>35</td>
<td>0</td>
<td>72</td>
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</table>

- The numbers indicated would be those reported through the Annual General Return (AGR) at the end of September each year. These would not record those who opt to return to school or to begin homeschooling part way through the school year.
Appendix A - April 30, 2003 BN by Dr. Glenn Loveless

HOME SCHOOLDG

Issue:
Department’s approval of curricula and provision of resources for home schooling.

Background:

- The Schools Act (1997), Sections (6) (7), makes provision for parents to home school their children, and requires that students be enrolled in a school in the province. Section 5(e) makes the Director of Education responsible for considering requests for home schooling, granting approval where the Director is satisfied the students will be under efficient instruction, and monitoring of home schooling.
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- Currently, approximately 50 students have received approval to be absent for home schooling.
- Deputy Ministers of Education in the Atlantic region have identified home schooling as a regional issue and asked that it be discussed at a future Board meeting.

Assessment:

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- 
- s.20(1)(a); s.21(b)
- s.20(1)(a)
Appendix B – December 19, 2001 BN by Dr. Glenn Loveless

HOME SCHOOLING COSTS

Issue:

Need to consider the Department’s policy on the provision of resources for home schooling.

Background:

- The Schools Act (1997), Sections (6) (7), makes provision for parents to home school their children, and requires that students be enrolled in a school in the province. Section 5(c) makes the Director of Education responsible for considering requests for home schooling, granting approval where the Director is satisfied the students will be under efficient instruction, and monitoring of home schooling.
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Options:

1. 

s.20(1)(a)

s.21(b)