

The Home-based Education Program Regulations

being

Chapter E-0.1 Reg 15 (effective September 15, 1994) as amended by the *Statutes of Saskatchewan*, 2000, c.50.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER E-0.1 REG 15

The Education Act

TITLE AND INTERPRETATION

Title

1 These regulations may be cited as *The Home-based Education Program Regulations*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Education Act*;
- (b) “**areas of study**” means subject areas including language arts, mathematics, science, and social studies;
- (c) “**conference**” means a meeting between an official of a registering authority and a parent or home-based educator;
- (d) “**dispute resolution process**” means a process that meets the requirements of section 17 established by a board of education to review disagreements between a board of education official and a parent or home-based educator;
- (e) “**goals of education for Saskatchewan**” means the official goals of education prepared and published by the minister pursuant to clause 9(d) of the Act;
- (f) “**home-based educator**” means the parent or parents of a student who are providing and directing a registered home-based education program for the student;
- (g) “**home-based learner**” means a student who is receiving instruction in a registered home-based education program;
- (h) “**learning objectives**” means the understandings and abilities that a parent or home-based educator intends a home-based learner to develop during a school year in a registered home-based education program;
- (i) “**monitoring**” means checking compliance with the Act, these regulations and the policies established pursuant to clause 10(1)(u) of the Act, with respect to the operation of a registered home-based education program;
- (j) “**official**” means a person:
 - (i) who holds an office or is employed by a board of education or the department; and
 - (ii) who is not engaged as a teacher, vice-principal or principal in a school;

- (k) **“parent”** means the person who is or persons who are the parents, guardians, or lawful custodians of a student;
- (l) **“registering authority”** means either a board of education or the department as determined in accordance with section 7;
- (m) **“remedial instruction plan”** means a supplementary educational plan that is intended to correct a home-based learner’s deficiencies in achieving satisfactory educational progress in a registered home-based education program;
- (n) **“special needs student”** means a student:
- (i) who is learning disabled, emotionally, socially or behaviourally disabled, gifted, speech or language disordered, or of low intellectual ability for whom a board of education is eligible to receive funding from the department; or
 - (ii) who is a pupil with a disability within the meaning of section 184 of the Act and for whom a board of education is eligible to receive designated disabled pupil funding from the department;
- (o) **“standardized test”** means a normed achievement, aptitude or intelligence test that is administered by an appropriately qualified person, and includes both general and diagnostic tests;
- (p) **“student”** means a person who has attained the age of six years, but has not attained the age of 18 years;
- (q) **“summative record”** means a summary of the educational progress of a home-based learner in relation to the written educational plan near the end of a school year, or at the end of another period of time that is determined by the home-based educator and is acceptable to the registering authority.

24 Sep 93 cE-0.1 Reg 15 s2.

BOARD RESPONSIBILITIES

Board responsibilities

3 Subject to these regulations and consistent with the policies established pursuant to clause 10(1)(u) of the Act, a board of education shall establish procedures for:

- (a) the registration of home-based education programs;
- (b) the renewal of the registration of registered home-based education programs;
- (c) the monitoring of registered home-based education programs;
- (d) the cancellation of the registration of registered home-based education programs; and
- (e) the dispute resolution process.

24 Sep 93 cE-0.1 Reg 15 s3.

Access to policies and procedures

4 A board of education shall provide information to a parent or a home-based educator on existing departmental and board policies and procedures with respect to home-based education in the school division.

24 Sep 93 cE-0.1 Reg 15 s4.

Compulsory attendance provisions

5 The board of education shall ensure that the attendance provisions of the Act are met by all home-based learners on registered home-based education programs in the school division, notwithstanding that a program in the school division is registered with the department.

24 Sep 93 cE-0.1 Reg 15 s5.

Delegation of board powers

6(1) Subject to subsection (2), a board of education may delegate to any board of education official any of the powers or responsibilities given to or imposed on the board by these regulations.

(2) A board of education shall not delegate to a person any powers or responsibilities pursuant to subsection (1) unless that person holds a valid and subsisting teacher's certificate issued pursuant to *The Teacher Certification and Classification Regulations*.

(3) The exercise of the powers or the fulfilment of the responsibilities delegated pursuant to subsection (1) by the person to whom the powers or responsibilities are delegated is deemed to be the exercise of those powers or the fulfilment of those responsibilities by the board.

24 Sep 93 cE-0.1 Reg 15 s6.

REGISTRATION

Registering authority

7(1) Subject to subsection (3), where the board of education has established procedures for the registration of home-based education programs, the board of education of the school division in which the student is entitled to attend school in accordance with the Act is to be the registering authority.

(2) Where the board of education of the school division in which a student is entitled to attend school in accordance with the Act has not yet established procedures for the registration of home-based education programs, the department is to be the registering authority.

(3) Where a parent, after attempting to register a home-based program pursuant to subsection (1), can provide compelling reasons to the satisfaction of the minister that the department ought to be the registering authority for his or her program, the department may elect to be the registering authority.

24 Sep 93 cE-0.1 Reg 15 s7.

Notification

- 8(1) A parent of a student who elects to provide a home-based education program for the student shall provide written notification and the necessary documentation prescribed in subsection (4) to the registering authority within the time prescribed in subsection (2).
- (2) The written notification must be received by the registering authority:
- (a) 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;
 - (b) in a case to which clause (a) does not apply:
 - (i) 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;
 - (ii) at least 30 days before a student of compulsory school age would be legally required to attend school in accordance with the Act;
 - (iii) within 30 days after a student becomes entitled to attend school in a new school division; or
 - (iv) at least 30 days before the date the parent intends to withdraw a student of compulsory school age from a school, registered independent school or other educational institution.
- (3) A registering authority may not refuse to register a home-based education program on the grounds that a parent failed to comply with subsection (2) where a reasonable attempt to comply with the subsection was made.
- (4) A parent shall provide written notification on a form that is prescribed by the minister and shall include in the written notification:
- (a) the name of the parent who is initiating and who is responsible for directing and providing instruction in the home-based education program;
 - (b) the address and telephone number of the home at and from which the home-based education program will be provided;
 - (c) the name, gender and date of birth of the student on the program;
 - (d) the date of commencement of the home-based education program;
 - (e) if applicable, the name of the last school, registered independent school or other educational institution in which the student was enrolled;
 - (f) the last grade completed by the student at that school, registered independent school or other educational institution;
 - (g) the written educational plan for the student in the home-based education program; and
 - (h) a declaration signed by the parent affirming:
 - (i) that the information supplied is correct;

- (ii) that the parent is accepting the control, direction and management of the home-based education program; and
 - (iii) that the parent is accepting responsibility for the education of the student in the home-based education program.
- (5) A written notification form may include and apply to more than one student.

24 Sep 93 cE-0.1 Reg 15 s8.

Registration

- 9(1) A registering authority shall review a notification received, within 30 days of its receipt, to determine if it is in compliance with the Act, these regulations and any policies established pursuant to clause 10(1)(u) of the Act.
- (2) The registering authority may require a conference with the parent who provided the notification to discuss matters related to the notification and the home-based education program before registering the home-based education program.
- (3) If the registering authority determines that the notification is in compliance with the Act, these regulations and the policies mentioned in subsection (1), the registering authority shall, within the period mentioned in subsection (1), register the home-based education program and notify, in writing, the parent who provided the notification that the home-based education program has been registered.
- (4) If the registering authority determines that the notification is not in compliance with the Act, these regulations or the policies mentioned in subsection (1), the registering authority shall, within the period mentioned in subsection (1), give the parent who provided the notification written notice and details of the non-compliance.
- (5) Within 15 days of the receipt of a written notice pursuant to subsection (4), the parent may either:
- (a) supply additional information in writing or otherwise rectify the non-compliance; or
 - (b) arrange a conference to discuss the matter where either the additional information may be supplied or the matter may otherwise be resolved.
- (6) If the parent does not supply the additional information or otherwise rectify the non-compliance after notice pursuant to subsection (4), or if the registering authority determines that the notification is still not in compliance with the Act, these regulations and the policies mentioned in subsection (1):
- (a) where the registering authority is the department, the registering authority may refuse to register the program and shall notify the parent, in writing, of the refusal to register the home-based education program and provide reasons why the program cannot be registered;
 - (b) where the registering authority is a board of education, the registering authority shall, in writing, notify the parent that it intends not to register the program providing reasons why the program cannot be registered and informing the parent of the dispute resolution process.

E-0.1 REG 15**HOME-BASED EDUCATION PROGRAM**

(7) If the registering authority refuses to register the home-based education program for the reason that the written educational plan is:

- (a) inconsistent with the goals of education for Saskatchewan; or
- (b) inappropriate for the age and ability of the student for whom the program has been developed;

the registering authority must demonstrate that that is the case.

(8) The parent may, within 15 days after receiving a notice given pursuant to clause (6)(b), refer the matter to the dispute resolution process by giving written notice to the registering authority.

(9) If the parent does not refer the matter to the dispute resolution process pursuant to subsection (8), or if the dispute resolution process does not resolve the issues in dispute, the registering authority may refuse to register the home-based education program and shall notify, in writing, the parent who provided the notification of the decision and provide reasons why the program cannot be registered.

24 Sep 93 cE-0.1 Reg 15 s9.

Duration of registration

10(1) Subject to sections 22 and 23, 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 renewable annually.

(2) Sections 8 and 9 apply, with any necessary modification, to the renewal of the registration of a registered home-based education program.

24 Sep 93 cE-0.1 Reg 15 s10.

HOME-BASED EDUCATORS**Parental rights and responsibilities**

11(1) A parent or a home-based educator who has submitted written notification to a registering authority pursuant to section 8 is deemed to have accepted:

- (a) the control, direction and management of the home-based education program for the student if it is registered; and
- (b) the responsibility for the education of the student as a home-based learner.

(2) No home-based educator is required to allow a registering authority entrance to his or her dwelling pursuant to the regulations, except in accordance with the Act or any other Act or law.

24 Sep 93 cE-0.1 Reg 15 s11.

Written educational plan

12(1) The intent of a written educational plan is for a parent to demonstrate that there is a positive and constructive approach to the education of the student in the home-based education program.

- (2) A written educational plan shall:
 - (a) not be inconsistent with the goals of education for Saskatchewan; and
 - (b) not be inappropriate for the age and ability of the student for whom the program is intended.
- (3) Notwithstanding that a parent has the freedom to structure his or her written educational plan in accordance with the philosophical approach of the program, the plan must contain a statement or a description of:
 - (a) the reason for and the philosophical approach of the proposed home-based education program;
 - (b) the areas of study and the learning objectives for the student in the home-based education program for the school year;
 - (c) the educational activities, instructional methods and learning resource materials that the home-based educator expects to use to achieve the learning objectives for the student in the program during the school year; and
 - (d) the means of assessing and recording the educational progress of the student in the program.
- (4) A registering authority may not refuse to register a home-based education program on the grounds that the written educational plan does not contain a scope and sequence of content to be taught throughout the school year.
- (5) Notwithstanding that 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:
 - (a) is not required or expected to provide learning opportunities to achieve all the goals of education for Saskatchewan; and
 - (b) may be focused on the achievement of a select number of the goals of education for Saskatchewan.
- (6) In the case of a home-based learner who is a special needs student, the learning objectives of the registered home-based education program must take into account the special needs and abilities of the home-based learner.
- (7) Subject to the requirements of this section, a home-based educator shall not be required in his or her written educational plan:
 - (a) to include any concept, topic, or practice that is in conflict with his or her conscientious beliefs; or
 - (b) to exclude any concept, topic, or practice that is consistent with his or her conscientious beliefs.
- (8) A home-based educator may make curricular and instructional adjustments to a registered home-based education program during a school year in accordance with the educational needs and progress of the home-based learner in the program, if the adjustments are consistent with the written educational plan.

(9) A home-based educator may make amendments to a written educational plan during a school year, if the amendments are requested in writing and are acceptable to the registering authority.

24 Sep 93 cE-0.1 Reg 15 s12.

Portfolio of work and summative record

13(1) For each home-based learner, a home-based educator shall maintain a portfolio of work that must contain:

- (a) a periodic log that records the educational activities completed by the home-based learner on a regular basis;
- (b) samples of writings, worksheets, workbooks and creative materials used or produced by the home-based learner; and
- (c) a summative record for the home-based learner.

(2) Home-based educators are not required to provide the portfolio of work to the registering authority except in accordance with these regulations.

(3) For each home-based learner, a home-based educator shall preserve:

- (a) the portfolio of work for at least two years; and
- (b) the summative record for each home-based learner until the earlier of:
 - (i) the date on which the registered home-based education program is terminated or cancelled; or
 - (ii) the date on which the home-based learner attains the age of 18 years.

(4) When a registered home-based education program is terminated or cancelled and the student who was a home-based learner enrolls in a school, registered independent school or other educational institution, the parent of the student shall immediately provide that school, registered independent school or other educational institution, with a copy of the student's summative record for each school year or part of a school year that the student was a home-based learner.

(5) When a registered home-based education program is terminated or cancelled and the student who was a home-based learner does not enroll in a school, registered independent school or other educational institution, the home-based educator shall immediately provide the board of education of the school division in which the student is or would be entitled to attend school in accordance with the Act, with a copy of the student's summative record for each school year or part of a school year that he or she was a home-based learner.

24 Sep 93 cE-0.1 Reg 15 s13.

Annual progress report

14(1) For the purposes of this section “**educational assessment**” means:

- (a) an assessment of a home-based learner's ability to handle, deal with, and apply material in which he or she has received instruction in accordance with a written educational plan; and

(b) an assessment of a home-based learner's intellectual development in relation to other students of similar age and ability;

and may include standardized tests provided in accordance with section 26.

(2) Once near the end of each school year, at a time determined by the home-based educator and acceptable to the registering authority, a home-based educator shall send the registering authority with which the registered home-based education program is registered an annual progress report for the home-based learner in the program.

(3) The annual progress report for the home-based learner must include one of the following:

(a) the summative record, the periodic log and sufficient samples of work from the portfolio of work to enable the registering authority to assess the educational progress of the home-based learner;

(b) the test results of the home-based learner who has taken a nationally normed standardized achievement test administered:

(i) in accordance with section 26; or

(ii) at the expense of the home-based educator by a person, other than the home-based educator:

(A) who is qualified in accordance with provincial educational policy; or

(B) who is chosen by the home-based educator and is acceptable to the registering authority;

(c) an educational assessment of the home-based learner's educational progress, initiated by the home-based educator and prepared at the expense of the home-based educator by a person other than the home-based educator:

(i) who is qualified in accordance with provincial educational policy; or

(ii) who is chosen by the home-based educator and is acceptable to the registering authority; or

(d) an educational assessment of the home-based learner's educational progress conducted in a manner determined by the home-based educator and acceptable to the registering authority.

24 Sep 93 cE-0.1 Reg 15 s14.

Language of instruction

15(1) Subject to subsection (2), the language of instruction in a registered home-based education program must be English or French.

(2) With the approval of a 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.

(3) Where the language of instruction is other than English, the home-based educator shall provide instruction in English language arts beginning no later than the date on which the home-based learner turns eight years of age.

24 Sep 93 cE-0.1 Reg 15 s15.

OPERATION

General

16 At all times, the home-based educator shall provide instruction in the registered home-based education program and shall ensure that the program:

- (a) is under his or her direction;
- (b) provides instruction at or from the home of the home-based learner;
- (c) complies with the written educational plan on which it is based;
- (d) provides instruction to the home-based learner throughout the course of the school year for which it is registered;
- (e) complies with the Act, these regulations and the policies established pursuant to clause 10(1)(u) of the Act.

24 Sep 93 cE-0.1 Reg 15 s16.

Dispute resolution process

17(1) The purpose of a dispute resolution process is to review disagreements relating to a home-based education program in an informal manner between a parent or home-based educator and a board of education official.

(2) Where a parent, home-based educator or registering authority refers a disagreement to a dispute resolution process, a committee of two representatives is to be established.

(3) One of the representatives is to be nominated by the parent or home-based educator and the other is to be nominated by the official to whom the board of education has delegated the responsibility to make the decision in issue.

(4) The representative of each party must be acceptable to the other party and neither party shall unreasonably withhold its acceptance.

(5) The board of education shall be responsible for all reasonable costs for transportation, accommodation, meals and any honoraria, determined by the board, for the two representatives that are directly related to the dispute resolution process.

(6) At the conclusion of a dispute resolution process, the representatives may make a joint recommendation regarding the disagreement or each may make his or her own recommendation, to the official of the board of education.

(7) After receiving and considering the recommendation or recommendations, the official of the board of education shall make a decision on the disagreement and shall notify, in writing, the parent or home-based educator of the decision and provide the reasons for the decision.

(8) The legal and technical rules of evidence and procedure do not apply to a dispute resolution process.

24 Sep 93 cE-0.1 Reg 15 s17.

Appeal to board of education

18(1) A decision by an official of a board of education that is made after proceeding through the dispute resolution process may be appealed to the board of education by the parent or home-based educator who referred the disagreement to the dispute resolution process by giving written notice of the appeal to the board of education within 15 days after receiving notice of the decision being appealed.

(2) A board of education may consider an appeal pursuant to subsection (1) during a regular meeting or at a special meeting of the board, or may delegate consideration of the appeal to a committee of the board.

(3) A decision by a committee of the board of education is deemed to be a decision of the full board.

(4) In deciding an appeal pursuant to subsection (1), the board of education or committee of the board may:

- (a) affirm the decision appealed; or
- (b) substitute its decision for the decision appealed.

(5) The board of education or committee of the board shall notify, in writing, the parent or home-based educator who filed the appeal of its decision and provide the reasons for its decision.

(6) If new arguments are raised or new information is provided during the appeal, the board may refer the matter back to the official of the board of education responsible for making the decision for reconsideration and decision.

(7) Where a matter is referred back to an official of the board of education pursuant to subsection (6), the official shall reconsider the matter and provide a decision within 15 days of the date the board referred the matter back to the official.

(8) A home-based educator may appeal the decision of the official of the board of education mentioned in subsection (7) directly to the board of education by giving written notice of the appeal to the board within 15 days of receiving notice, in writing, of the decision.

24 Sep 93 cE-0.1 Reg 15 s18.

Monitoring

19(1) Consistent with any policies established pursuant to clause 10(1)(u) of the Act, a registering authority shall monitor all registered home-based education programs that it has registered.

(2) A registering authority may require a conference with the home-based educator to review the educational progress of the home-based learner following the date that the annual progress report for the home-based learner is sent to the registering authority.

E-0.1 REG 15**HOME-BASED EDUCATION PROGRAM**

- (3) A home-based learner must make satisfactory educational progress:
 - (a) in relation to the written educational plan; and
 - (b) commensurate with his or her age and ability.
- (4) If the registering authority determines that a home-based learner is not making satisfactory educational progress as described in subsection (3), the registering authority:
 - (a) must be able to substantiate that that is the case; and
 - (b) may schedule an additional conference with the home-based educator to discuss establishing a remedial instruction plan.
- (5) A home-based educator shall immediately notify the registering authority in writing if the home-based educator ceases to provide instruction to a home-based learner under a registered home-based education program.

24 Sep 93 cE-0.1 Reg 15 s19.

Remedial instruction plan

- 20(1)** A board of education that is a registering authority may not require a remedial instruction plan for a home-based learner who, on a nationally normed standardized test, is achieving at a level above the level at which the board of education would initiate remedial instruction for a student enrolled in a school in its school division.
- (2) A remedial instruction plan must be in effect for a fixed period of time determined by the home-based educator and acceptable to the registering authority.
- (3) When a remedial instruction plan is established for a home-based learner, the registering authority may require:
 - (a) periodic standardized tests of the home-based learner in accordance with section 26;
 - (b) reports of the home-based learner's progress at reasonable intervals during the period of time fixed pursuant to subsection (2); and
 - (c) additional conferences with the home-based educator at reasonable intervals during each school year to review the progress of the home-based learner.
- (4) If the home-based educator does not agree that a remedial instruction plan is necessary, or if the registering authority and the home-based educator are unable to agree on a remedial instruction plan, where the registering authority is a board of education, either the home-based educator or the registering authority may refer the disagreement to the dispute resolution process by giving written notice to the other party.

24 Sep 93 cE-0.1 Reg 15 s20.

Permanent record and registry

21 A registering authority shall maintain a permanent record for each home-based learner that shall include:

- (a) all notifications received pursuant to section 8;
- (b) the written educational plan, including any amendments, for each school year;
- (c) correspondence with the home-based educator with respect to the registration, monitoring and renewal of the program;
- (d) annual progress reports;
- (e) the results of any tests or assessments administered pursuant to these regulations;
- (f) documents relating to any dispute resolution process; and
- (g) documents relating to any appeals to the board of education with respect to the program.

24 Sep 93 cE-0.1 Reg 15 s21.

Termination

22(1) Where a home-based educator proposes to terminate a registered home-based education program, the home-based educator shall:

- (a) notify the registering authority, in writing, of the decision;
- (b) give the registering authority at least 15 days' notice of the intention to terminate the registered home-based education program specifying the intended date of termination; and
- (c) consult with the registering authority with respect to the continuing education of the home-based learner.

(2) After receiving a notice pursuant to subsection (1), the registering authority may cancel the registration of the registered home-based education program for which the notice was given effective the intended date of termination specified in the notice.

(3) Where a home-based educator terminates a registered home-based education program for the student pursuant to this section, the home-based educator is not entitled to register a home-based education program for that student until the following school year.

24 Sep 93 cE-0.1 Reg 15 s22.

Cancellation

23(1) A registering authority may cancel the registration of a home-based education program:

- (a) where the registering authority can substantiate that a home-based educator:
 - (i) obtained the registration through providing the registering authority with false or misleading information;

- (ii) has violated the Act, these regulations or any policies established pursuant to clause 10(1)(u) of the Act; or
 - (iii) has refused to schedule or to attend a conference with an official of the registering authority who is monitoring the program;
 - (b) where the home-based educator fails to implement a remedial instruction plan authorized pursuant to these regulations;
 - (c) where, following a remedial instruction plan, the registering authority can substantiate that the home-based learner is not making satisfactory educational progress in relation to the written educational plan or satisfactory educational progress commensurate with his or her age and ability; or
 - (d) where the registering authority considers it necessary in the public interest.
- (2) A registering authority shall not cancel the registration of a home-based education program, pursuant to this section, without giving the home-based educator an opportunity to be heard.
- (3) Where the registering authority intends to cancel the registration of a registered home-based education program pursuant to this section, the registering authority shall immediately:
- (a) notify the home-based educator, in writing, of the intention to cancel;
 - (b) provide the home-based educator with written reasons for the intention to cancel; and
 - (c) where the registering authority is a board of education, notify the home-based educator of the dispute resolution process.
- (4) Where the registering authority is a board of education, the home-based educator may, within 15 days after receiving a notice given under subsection (3), refer the matter to the dispute resolution process by giving written notice to the registering authority.
- (5) If the home-based educator does not refer the matter to the dispute resolution process pursuant to subsection (4) or if the basis for cancellation is not remedied through the dispute resolution process, the registering authority may proceed to cancel the registration of the registered home-based education program.
- (6) Where the registering authority cancels the registration of a registered home-based education program, it shall notify the home-based educator, in writing, of the cancellation providing reasons for the cancellation.
- (7) Cancellation of a registered home-based education program cannot be referred to the dispute resolution process.

SERVICES

Approved policies

24(1) Every board of education shall develop policies with respect to those services that the board is prepared to make available to home-based learners from among the services provided by the board to pupils in the school division, including:

- (a) enrolment in the Saskatchewan Correspondence School;
- (b) participation in cultural and athletic activities, youth travel, outdoor education, and similar activities pursuant to section 179 of the Act;
- (c) participation in programs of athletic and amateur sport pursuant to section 186 of the Act;
- (d) education and training in the operation of motor vehicles pursuant to section 187 of the Act;
- (e) guidance and counselling services pursuant to section 189 of the Act; and
- (f) services for special needs students pursuant to sections 178, 184 and 185 of the Act.

(2) Every board of education shall develop policies with respect to how home-based educators can access, on behalf of their home-based learners, the services that the board is prepared to make available pursuant to subsection (1).

24 Sep 93 cE-0.1 Reg 15 s24.

Authority to provide services

25(1) A board of education may, if requested by a home-based educator, provide courses, textbooks, other learning resource materials and information to a home-based educator for use in his or her program for the purpose of enhancing the home-based education program.

(2) The registering authority is not responsible for the hiring of tutors or for the selection of programs, courses, textbooks and learning resource materials for the registered home-based education program or home-based learner.

24 Sep 93 cE-0.1 Reg 15 s25.

Standardized tests

26(1) A registering authority shall provide a standardized test once each school year for a home-based learner if it is requested by the home-based educator.

(2) A registering authority may, at its discretion, provide additional standardized tests for a home-based learner if requested by the home-based educator.

(3) A registering authority may require a home-based learner to take standardized tests as part of a remedial instruction plan or of a special needs assessment within the meaning of section 27.

(4) A board of education may require a student who is or was a home-based learner to take a standardized test on the entry or re-entry of the home-based learner into a school in order to assist with the placement of the student in the appropriate grade.

- (5) The standardized test shall be taken at a location that:
- (a) is chosen by the home-based educator and is acceptable to the registering authority or in the case of subsection (4) the board of education; and
 - (b) meets the standards for the administration of the test.
- (6) A registering authority or in the case of subsection (4) a board of education shall not administer a particular standardized test if:
- (a) in the case of a board of education, the board has not previously administered the particular test in its school division to students enrolled in schools;
 - (b) the registering authority has not indicated to the home-based educator, prior to the test, the purpose of the testing, including the potential use of the results of the testing;
 - (c) the population norm of the particular test does not account for the social or cultural background of the home-based learner; or
 - (d) the particular test conflicts with the conscientious beliefs of the home-based educator as expressed in the written educational plan, unless the test is taken pursuant to subsection (4), in which case this clause does not apply.
- (7) After the testing has occurred, the registering authority or in the case of subsection (4) the board of education shall provide the home-based educator with the results of the test and an interpretation of the results.

24 Sep 93 cE-0.1 Reg 15 s26.

Special needs assessment

27(1) For the purposes of this section, “**special needs assessment**” means an assessment and diagnosis, within the meaning of subsection 178(2) of the Act, that is conducted by an appropriately qualified person for the purpose of determining:

- (a) if a home-based learner has a disability that prevents ordinary learning;
- (b) the level that the home-based learner can be expected to achieve; and
- (c) the pattern of strengths that the home-based learner possesses that could be used as a base for appropriate adjustments to the home-based learner’s educational program;

and may include functional assessment, curriculum-based assessment, or standardized assessment using standardized diagnostic instruments.

(2) A registering authority shall provide or arrange for a special needs assessment for a home-based learner where a home-based educator demonstrates to the registering authority that a special needs assessment of the home-based learner is advisable.

(3) A registering authority may initiate a special needs assessment:

- (a) of a home-based learner as part of a remedial instruction plan; or
- (b) of a home-based learner if the registering authority reasonably believes that:
 - (i) the home-based learner has a disability that prevents ordinary learning; and

- (ii) 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.
- (4) A registering authority shall not initiate and administer a special needs assessment if it has not indicated to the home-based educator, prior to the assessment, the purpose of the assessment, including the potential use of the results of the assessment.
- (5) A special needs assessment shall occur at a location that:
 - (a) is chosen by the home-based educator and is acceptable to the registering authority; and
 - (b) meets the standards for the administration of the test.
- (6) The home-based educator shall be responsible for any transportation and accommodation costs of a home-based learner and escort that may be associated with the special needs assessment.
- (7) Once a special needs assessment has occurred, the registering authority shall provide the home-based educator with the results of the assessment and an interpretation of the results and shall discuss with the home-based educator what instructional adjustments, if any, in the opinion of the registering authority, should be made to the registered home-based education program for the home-based learner.
- (8) Where the registering authority is a board of education, the home-based educator may, within 15 days after being notified of the decision of the registering authority to initiate a special needs assessment for a home-based learner, refer the matter to the dispute resolution process by giving written notice to the registering authority.

24 Sep 93 cE-0.1 Reg 15 s27.

Prohibition

- 28(1)** No person may refer to an education program as a registered home-based education program unless it is registered as a registered home-based education program.
- (2) Subject to subsections (3) and (4), no person purporting to provide a pupil of compulsory school age with an exemption from attendance at a school pursuant to clause 156(a.2) of the Act shall operate a home-based education program unless it is a registered home-based education program.
- (3) The parent of a student who has provided notification to the proper registering authority in accordance with section 8 for registration of a home-based education program for the student is not liable to prosecution for a violation of subsection (2) for the period of time from the date the written notification was provided to the registering authority to the later of:
 - (a) the date that the parent receives notification of the decision not to register the program; or
 - (b) where the parent appeals that decision, the date the parent receives notification of the result of the appeal.

(4) Where the parent of a home-based learner has appealed a notice to cancel the registration of a home-based education program to a board of education, the parent is not liable to prosecution for a violation of subsection (2) until the date the parent receives notification of the result of the appeal.

24 Sep 93 cE-0.1 Reg 15 s28.

Exercise of minister's powers

29 For the purpose of sections 23 and 23.1 of *The Interpretation Act, 1995*, the powers conferred on the minister by these regulations may only be exercised by the minister, a person mentioned in subsection 23(1) of *The Interpretation Act, 1995* or a person mentioned in subsection 23(2) of *The Interpretation Act, 1995* who holds a valid and subsisting teacher's certificate issued pursuant to *The Teacher Certification and Classification Regulations*.

2000, c.50, s.37.

Reports and returns

30(1) A board of education shall prepare and provide to the minister any reports and returns:

- (a) that the minister may request; and
- (b) that relate to registered home-based education programs in the school division.

(2) The reports and returns mentioned in subsection (1) shall be provided within the time required by the minister.

24 Sep 93 cE-0.1 Reg 15 s30.