Education and Training Bill 193-1

I support the general intent of this bill, as previous legislation is now outdated in some wording, and there are so many different pieces of legislation related to education that it makes sense to bring them all together in a more accessible format.

I wish to make the following comments:

Section 37 – Long-term exemptions from enrolment

This section replaces Section 21 in the current 1989 Act, the chief segment of the law which governs the home education (homeschooling) of students.

In subsection 1, the new wording says: “The Secretary may…”, replacing “An employee of the Ministry designated by the Secretary for the purpose (in this section and section 26 referred to as a designated officer) may…”

This wording ignores the reality that exemptions are granted, not by the Secretary, but by staff in 11 regional offices on a completely independent basis. This is important because, when considering appeals as discussed below, it would make no sense to appeal “the Secretary’s decision” to the Secretary.

In Section 21 of the current Act, subsection 3 allows parents the right of appeal to the Secretary if an exemption application is declined by their regional office. This has been entirely omitted from the Bill, and I believe it should be included.

The right of appeal to the Secretary allows for the review of the application and related information and processes by an independent source – both the Secretary’s representative in the national office, and also a review by ERO, which is mandated in such cases by the current Act.

Without this right of appeal, there is nothing to prevent individual regional offices, who have complete autonomy in regard to exemptions, from acting inappropriately or unfairly. While this may be a relatively rare occurrence, it does happen from time to time.

Therefore, the right of appeal must be preserved.

*Recommendations:*

* That the following wording be included in Section 37:

**“If a designated officer refuses to grant a certificate under subsection (1), the applicant parent may appeal to the Secretary who, after considering a report on the matter from the Chief Review Officer, shall confirm the refusal or grant a certificate.”**

* That subsection 1 reflect the fact that a designated officer issues exemptions, and not the Secretary.

Thank you for considering my submission.