

Nova Scotia Home Education Law

The following are unofficial excerpts copied from the January, 1996 Nova Scotia Education Act and the accompanying June, 1997 Regulations (in small italics). They are only partial extracts arranged in a manner to convey the general sense of the law, and are intended for information purposes only. If you have an actual legal issue to pursue, consult the full official Act and Regulations, and obtain appropriate legal advice as necessary.

Definition

3(1) In this Act, "home education program" means a course of study provided to the student under the direction of the student's parent and centered in the student's home.

School Attendance

111 Subject to the regulations, every resident of the Province over the age of five years and under the age of sixteen years shall attend school in accordance with the regulations.

Reg 34 Every child in the Province of Nova Scotia who has attained the age of six years and has not attained the age of sixteen years shall on every day in which school is in session attend the school in which the child is enrolled.

Home Education is a Legal Alternative to Public School Attendance

113 A child is not required to attend a public school if the child is being provided with a home education program in accordance with the regulations; is enrolled in and is in attendance at a private school operating in compliance with this Act; or meets any other exemptions contained in the regulations.

Home Education Legal Requirements

128(1) A parent may provide a home education program to a child of the parent centered in the child's home.

128(2) A parent providing a home education program to a child shall:

- . (a) register the child for each school academic year with the Minister; and Registration

Requirement Reg 39 (1) A parent providing a home education program who registers a child for each school academic year with the minister pursuant to clause 128 (2) (a) of the Act, shall

- . where the parent registers the child for a full school academic year, submit the registration to the minister on or before September 20 of the school academic year in which the parent wishes to provide the program; or
- . where the parent registers the child for less than the full school academic year, submit the registration to the minister before commencing the provision of the home education program.

Reg 39 (2) A registration form required by subsection (1) shall include,

- . in the case of previous public school experience, the last grade level attained;
- . in the case of previous home education experience, the program level of achievement

- and estimated equivalent public school grade level; and
 - identification of the proposed home education program.
- (b) report the child's progress to the Minister, as prescribed by the regulations.

Reporting Requirement Reg 40 A parent providing a home education program who reports the child's progress to the Minister pursuant to clause 127(2)(b) of the Act, shall provide the report

- at least once a year in June of the school academic year in which the child takes the home education program; and
- in a manner consistent with the type of program provided and which accurately reflects the child's progress.

Offering of Public Courses is at the Discretion of the School Board

128(3) With the approval of the school board, a child in a home education program may attend courses offered by a school board, subject to any terms and conditions prescribed by the school board.

Acceptable Evidence of Educational Progress

128(4) The Minister may require the parent of a child in a home education program to provide evidence of the child's educational progress by providing one or more of the following as the parent determines:

- (a) results of a standardized test;

Reg 41 (1) For the purpose of clause 128(4)(a) of the Act, a "standardized test" means a nationally or internationally recognised achievement test given under standard conditions to measure the level of academic achievement of individual students.

- (b) an assessment from a qualified assessor;

Reg 41 (2) For the purpose of clause 128(4)(b) of the Act, a "qualified assessor" means a person, other than a parent of the child whose educational progress is being assessed, who is

- a teacher;
 - a person holding a teacher's certificate issued by the Minister; or
 - a faculty member of an education faculty of a Nova Scotia University that trains teachers, whose area of expertise relating to assessing educational progress includes students within the age range of the child.
- (c) a portfolio of the child's work, as prescribed by the regulations.

Reg 41 (3) For the purpose of clause 128(4)(c) of the Act, a "portfolio of the child's work" means a representative, multi-curricular selection of the child's work performed over a period of time, for the purpose of assisting the Minister in assessing the child's progress and achievement.

Ability of Minister to appoint an Independent Assessor if Required

128(5) Notwithstanding subsection (4), where, in the Minister's opinion, further evidence of a child's educational progress is required, the Minister may appoint an independent assessor, as prescribed by the regulations, to assess and report to the Minister whether:

- . (a) the child is making reasonable educational progress;
- . (b) the home education program is adequately addressing the child's needs; and
- . (c) the available public school program will do more to further the child's educational progress than the home education program.

Reg 42 For the purpose of subsection 128(5) of the Act, an "independent assessor" means a person who has at least the qualifications of a "qualified assessor" prescribed in subsection 41 (2).

Ability of Parent to request School Board to provide an Assessment

128(6) A parent may request that a child in a home education program be assessed through an assessment instrument authorised by the Minister in order to determine the child's educational progress, in accordance with the regulations.

Reg 43 An assessment instrument authorized by the Minister through which a child in a home education program is assessed under subsection 128(6) of the Act shall be

- . (a) administered to the child by a school board at the same time and under the same conditions as it is administered to public school students; and
- . (b) taken by the child with age-alike or grade alike public school students.

In the Case of a Child returning to Public School

128(7) When, following participation in a home education program, a child enrolls in a public school, the school board shall determine the child's grade placement.

Causes and Requirements for Termination of Home Education Program

129(1) A parent may not provide or continue to provide a home education program to a child if, based on the evidence provided pursuant to subsection 128(4) and the report made pursuant to subsection 128(5), the Minister determines that:

- . (a) the home education program does not meet the requirements of this Act and the regulations;
- or
- . (b) the child is not making reasonable educational progress as determined by the child's performance as measured pursuant to subsection 128(4).

129(2) Before making a determination pursuant to subsection (1), the Minister shall:

- . (a) notify the parent, in writing, by registered mail, of the Minister's intent to make the determination; and
- . (b) give the parent an opportunity to make representation to the Minister in writing as to why the home education program should be provided or continued.

Making of Home Education Regulations

146 The Governor in Council may make regulations (q) respecting home education programs including, without limiting the generality of the foregoing, the appointment of independent assessors;

(NSHEA NOTE: In Nova Scotia, some regulations can be changed at the Minister's discretion, and are called "Minister's regulations". The rest of the regulations require approval of the cabinet and are called "Orders in Council" or "Governor's Orders".)