

THIS IS EXHIBIT "Q" REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-

TDS - TEAM GOAL SHEET

Date: Oct. 22/03

Name of Student: Caithlin Chuyek

Team members: Myff Friesen
Allison Rawlings

1. Specific Development Goals:

Guarding speech with peers & those in authority.

Initiate meeting w Mrs. Rawling

2. Specific Character Goals, and how we will measure each to determine success:

Academically - Complete Math 10 by June '04
Sc. 10 / Biol 30 by June '04

3. Proposed changes to the student's schedule:

TDS
Development Guidelines-Final Grade

Name: Caithlin Chizek

Date: Oct. 22/03

Grading Grid:

- 0-3 Unacceptable
- 4-5 Needs Significant Improvement
- 6-7 Acceptable
- 8-10 Excellent

1. Spiritual Growth (spiritual passion)

- active and meaningful praise and worship
- Word Level
- Prayer life

7
6
6

2. Social Life

- positive, Godly influence
- appropriate, modest dress
- healthy peer pressure

5
8
2

3. Academic

- QPC up-to-date
- good work habits
- graduation projections on target

5
6
6

4. Personal development

- respect for authority
- response to correction and discipline
- teachability

5
5
5

5. Gifting development

- appropriate participation in athletics/music/drama
- overall schedule
- serving in other departments

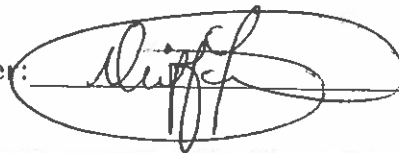
10
10
10

6. Family Life

- relationship with parents
- effect of student's schedule on home life
- home routines

10
7
10

Academy Staff Member: _____



Youth Staff Member: _____

TDS Development Guidelines-Parent

Name: Caitlin Chizek

Date: _____

Grading Grid:

- 0-3 Unacceptable
- 4-5 Needs Significant Improvement
- 6-7 Acceptable
- 8-10 Excellent

1. Spiritual Growth (spiritual passion)

- active and meaningful praise and worship
- Word Level
- Prayer life

8-
8-
8-
8-

2. Social Life

- positive, Godly influence
- appropriate, modest dress
- healthy peer pressure ? what does this mean

8
10
—

3. Academic

- QPC up-to-date
- good work habits
- graduation projections on target

—
—
—

4. Personal development

- respect for authority
- response to correction and discipline
- teachability

8-1
7
8-10

5. Gifting development

- appropriate participation in athletics/music/drama
- overall schedule
- serving in other departments

10
10
10

6. Family Life

- relationship with parents
- effect of student's schedule on home life
- home routines

10
7
10

Academy Staff Member: _____

Youth Staff Member: _____

TDS Development Guidelines-Student

Name: Caitlin Chizek

Date: _____

Grading Grid:

- 0-3 Unacceptable
- 4-5 Needs Significant Improvement
- 6-7 Acceptable
- 8-10 Excellent

1. Spiritual Growth (spiritual passion)

- active and meaningful praise and worship
- Word Level
- Prayer life

8
7
6

2. Social Life

- positive, Godly influence
- appropriate, modest dress
- healthy peer pressure

7
6
|

3. Academic

- QPC up-to-date
- good work habits
- graduation projections on target

8
8
8
8

4. Personal development

- respect for authority
- response to correction and discipline
- teachability

7
7
7
7

5. Gifting development

- appropriate participation in athletics/music/drama
- overall schedule
- serving in other departments

9
6
6

6. Family Life

- relationship with parents
- effect of student's schedule on home life
- home routines

6
7
7

Academy Staff Member: _____

Youth Staff Member: _____

GOAL DEVELOPMENT WORKSHEET

(Refer to Development Guidelines Score Sheet)

Development:

1. List your spiritual growth goals.

- To get my Word level up.

2. List your social life goals.

- To become friends with the younger girls.

3. List your academic goals (please include the amount of credits you intend to graduate with, and any specific credits that deviate from or go beyond our normal 24 credit track).

24 credits

4. List your personal development goals.

- To have a better respect for the new staff.

5. List your goals for "gifting development."

6. List your goals for family life.

- To have more time to spend to my family.

Character:

1. As you consider these goals, please list two to three character strengths that you already have that will help you achieve these goals.

- Leadership skills
- Long suffering
- Keeping others confidence.

2. Please list two or three areas of character that would be the most important for you to grow in, so that you can accomplish your goals.

- Patience
- Trusting others.

Schedule Considerations:

1. Please list all the development areas you are involved in. (E.g. choir, basketball, nursery)

Volleyball, choir, childrens church, Drama

2. Are you currently experiencing any schedule conflicts or concerns?

No

3. From the above list, please indicate any area that you feel is not important to your development at this time.

None.

TDS

Development Guidelines – Final Grade

CAITLIN CHIZEK

GRADE: 1-10 PER
SUB-CATEGORY, TOTAL OF 30
FOR EACH DEVELOPMENT AREA

1. Spiritual growth (spiritual passion)

- active and meaningful praise & worship
- Word level
- prayer life

6
7
7
Total 20

2. Social life

- positive, Godly influence
- appropriate, modest dress
- healthy peer relationships

6
9
5
Total 20

3. Academic

- QPC up-to-date
- good work habits
- graduation projections on target

9
8
8
Total 25

4. Personal development

- respect for authority
- response to correction and discipline
- teachability

6
7
7
Total 20

5. Gifting development

- appropriate participation in athletics/music/drama
- overall schedule
- serving in other departments

8
8
8
Total 24

6. Family life

- relationship with parents
- effect of student's schedule on home life
- home routines

5
8
8
Total 21

Academy staff member: _____

Youth staff member: _____

TDS - TEAM GOAL SHEET

Date: Feb 12/02

Name of Student: CALVIN

Team members: MR. KLASSEN, MR. GREGG, Mom + Dad.

1. Specific Development Goals:

Continue to work on healthy peer relationships
Complete extra Math and Science pages to work towards 29 credits

2. Specific Character Goals, and how we will measure each to determine success:

Courage to talk about Dad more and work past painful spots in peer relationships.

3. Proposed changes to the student's schedule:

Recommend meeting with Mr. Schully - re: peer conflict.

TDS

Development Guidelines-Final Grade

Name: Caitlin Chized

Date: Oct 15 '04

Grading Grid:

- 0-3 Unacceptable
- 4-5 Needs Significant Improvement
- 6-7 Acceptable
- 8-10 Excellent

1. Spiritual Growth (spiritual passion)

- active and meaningful praise and worship
- Word Level
- Prayer life

10
10
10

2. Social Life

- positive, Godly influence
- appropriate, modest dress
- healthy peer pressure

7
7
7

3. Academic

- QPC up-to-date
- good work habits
- graduation projections on target

8
7
7

4. Personal development

- respect for authority
- response to correction and discipline
- teachability

7
7
7

5. Gifting development

- appropriate participation in athletics/music/drama
- overall schedule
- serving in other departments

10
9
10

6. Family Life

- relationship with parents
- effect of student's schedule on home life
- home routines

9
8
8

Academy Staff Member: [Signature]

Youth Staff Member: [Signature]

TDS – TEAM GOAL SHEET

Date: Oct. 15/04

Name of Student: Caitlin Cheney

Team members: Duff Friesen Avril Johnson

1. Specific Development Goals:

- strategize with Mrs. Johnson on how to address & deal with the social issues.
-

2. Specific Character Goals, and how we will measure each to determine success:

3. Proposed changes to the student's schedule:

GOAL DEVELOPMENT WORKSHEET

(Refer to Development Guidelines Score Sheet)

Development:

1. List your spiritual growth goals.
- spend more time studying
the Bible.
2. List your social life goals.
To have one
3. List your academic goals (please include the amount of credits you intend to graduate with, and any specific credits that deviate from or go beyond our normal 24 credit track).
- finish my math + english sooner, do more homework.
4. List your personal development goals.
- not take things personally
5. List your goals for "gifting development."
* my speech (heehee)
6. List your goals for family life.
- To be able to be at home more.

Character:

1. As you consider these goals, please list two to three character strengths that you already have that will help you achieve these goals.

- heart for people
- a heart to do right } my hearts in the right place.

2. Please list two or three areas of character that would be the most important for you to grow in, so that you can accomplish your goals.

→ finishing what I am doing before I go on to something else.

Schedule Considerations:

1. Please list all the development areas you are involved in. (E.g. choir, basketball, nursery)

- Choir
- volleyball
- drama
- Children's church

2. Are you currently experiencing any schedule conflicts or concerns?

yes, volleyball takes way too much of my time. I feel like I am never home.

3. From the above list, please indicate any area that you feel is not important to your development at this time.

Volleyball

TDS
Development Guidelines-Parent

Name: KIRSTA CHIZEK

Date: OCT 15/04

Grading Grid:

- 0-3 Unacceptable
- 4-5 Needs Significant Improvement
- 6-7 Acceptable
- 8-10 Excellent

1. Spiritual Growth (spiritual passion)

- active and meaningful praise and worship
- Word Level
- Prayer life

8
8
8

2. Social Life

- positive, Godly influence
- appropriate, modest dress
- healthy peer pressure

8
9
8

3. Academic

- QPC up-to-date
- good work habits
- graduation projections on target

10
8
10

4. Personal development

- respect for authority
- response to correction and discipline
- teachability

9
8
9

5. Gifting development

- appropriate participation in athletics/music/drama
- overall schedule
- serving in other departments

10
10
10

6. Family Life

- relationship with parents
- effect of student's schedule on home life
- home routines

9
8 → (A during
8 U-ball!)

Academy Staff Member: _____

Youth Staff Member: _____

TDS Development Guidelines-Student

Name: Caitlin Chizek

Date: 2004

Grading Grid:

- 0-3 Unacceptable
- 4-5 Needs Significant Improvement
- 6-7 Acceptable
- 8-10 Excellent

1. Spiritual Growth (spiritual passion)

- active and meaningful praise and worship
- Word Level
- Prayer life

9
~~8~~
7

2. Social Life

- positive, Godly influence
- appropriate, modest dress
- healthy peer pressure

8
~~9~~
8

3. Academic

- QPC up-to-date
- good work habits
- graduation projections on target

8
~~8~~
7

4. Personal development

- respect for authority
- response to correction and discipline
- teachability

8
~~8~~
8

5. Gifting development

- appropriate participation in athletics/music/drama
- overall schedule
- serving in other departments

8
~~8~~
9

6. Family Life

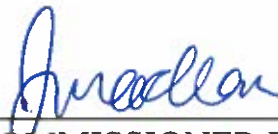
- relationship with parents
- effect of student's schedule on home life — *Good???*
OR Bad???
- home routines

10
~~7~~
7

Academy Staff Member: _____

Youth Staff Member: _____

THIS IS EXHIBIT "R" REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-

THIS IS EXHIBIT "S" REFERRED TO IN
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2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-



September 2, 2003

Tuesday

The first day of school is officially under my belt!! I am beside Jordan and Lance in offices! Bla! We had our first official "W. Ball practice today!" It started out good, but then at the end of practice, Coach Thevenole starts yelling at me for ^{not} getting a ball that was five feet from me. Kistyn Adie was about half a foot away from it, and Brianna H. was two feet away! Grr! What a way to start the season. Everyone knows she has it out for me. I wish I was a people pleaser like Danielle McKinnon, because no matter how many mistakes she makes, everyone still seems to like her.



7



continued from Sept. 2/03

This morning, Mr. Oluluboken had a meeting with us in the worship centre. He said it doesn't matter how old we are, if we do something bad, he will paddle us. Bull —! Like as if I would let him touch me!

Fat Chance!! Like oh yea, come on and spanke me!! Bite me!

I don't think so! What's next?

They're going to hold our hands when we cross the street? Control

Freak!! ?!?! I think so! Well, lets

pray I don't do anything bad. Even though ^{trouble} ~~is~~ is my middle name!



THIS IS EXHIBIT "T" REFERRED TO IN
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A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____

-BEING A SOLICITOR-



October 26/03

Well, I would have to say that this was one of the most stupidest weeks I have ever had. First of all, the whole volleyball team got paddled by the O. Then the next day was my (Sweet, not) sixteenth Birthday. Then the volleyball team got 4th at our own Volleyball tournament. What a crappy week. And today (Sunday) my mom freaks out at me, because she is mad at Jannis - so why not take it out on me right? Well, you might as well, every one else seems to. I also got threatened by my coach for apparently "not being positive" like go jump in a bloody lake xxx I am so frustrated with this team. ~~It~~ I mean, girls club. We are so not a team. What is up with that! Also, I haven't talked to Cory forever. Maybe that's a good thing. Anyways, I am so "gone". I have to "clean up my room."

★ Bon Voyage ★




THIS IS EXHIBIT “U” REFERRED TO IN
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SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____

~~-BEING A SOLICITOR-~~

Monday, January 19, 2004

Carilyn Nolin,
321 Turtle Crescent,
Saskatoon, SK., S7K 4V7

Dear Carilynn,

As you are aware, I began investigating Coy's involvement in tasteless, crude, sexual, and/or racist jokes that were circulating in the academy prior to school being dismissed for the Christmas break. My investigation, which is now concluded, revealed that Coy was a ring leader and active perpetrator of such jokes. The Bible is quite clear about the inappropriateness of such foolish talking and coarse jesting among Christians (Eph 5.3,4). I had wanted to conclude this matter last week, but Coy was in the hospital. I am happy to see that he is better. Thank God for His faithfulness.

I am suspending Coy from school for 5 (five) school days effective today, Monday, January 19, 2004 through Friday, January 23, 2004. He is due back in school on Monday, January 26, 2004. During his suspension he is barred from school, all school related activities, including practices, areas of service in the church, and teen services or functions. It is his responsibility to communicate his suspension to the department head of the area in which he serves. He should, of course do his school work at home, continue coming to church and participate in whatever is going on in the main auditorium.

I judge that Coy is presently not well enough to receive scriptural discipline according to Proverbs 22.15, and 29.15. I will administer this when he returns to school, after which we will begin his re-integration into the life of Christian Centre Academy.

Please purchase and listen to a copy of my recent sermon "Mission Is Possible" from Dianne Davidson, the academy secretary. She has copies on hand. I will appreciate sitting down with you after you have listened to the tape. Please make an appointment with Dianne. This meeting must take place in order for Coy to return to school. If for some reason we are unable to meet, Coy will remain suspended from school until we have had our meeting.

If you have any questions, please write them down so that we can discuss them at our meeting.

In the meantime I trust that I can count on your cooperation to help Coy see his error, and ensure that repentance has taken place before he is reinstated.

I pray that God will continue to grace you as you work to rear Godly seed for Him. It is my firm belief that together we can make a difference for our King and His Kingdom.

Respectfully,

John Olubobokun, Ph.D.
Academy Director

PS: In light of Coy's rebellion and gross disrespect to me in the hospital on Sunday, January 11, 2004, I am adding another five (5) days to Coy's suspension. He is not due back in school until Monday, February 2, 2004. All the aforementioned conditions apply. Thank you.

Proverbs 22:15

Proverbs 22:15 NIV

Folly is bound up in the heart of a child, but the rod of discipline will drive it far away.

NIV: New International Version

15:15

15:15



Bible App



Bible App for Kids

Compare All Versions: Proverbs 22:15

Free Reading Plans and Devotionals related to Proverbs 22:15



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Proverbs 29:15

Proverbs 29:15 NIV

A rod and a reprimand impart wisdom, but a child left undisciplined disgraces its mother.

NIV: New International Version

Scripture

Proverbs 29:15



Bible App



Bible App for Kids

Compare All Versions: Proverbs 29:15

Free Reading Plans and Devotionals related to Proverbs 29:15



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Fax: (306) 242-8229

E-mail: cca@christiancentre.ca

John A. Oduobokun, Ph. D.
Director

OUR MISSION

... to use an
individualized
learning system
to develop each
student's Godly
character,
passion for
excellence, and
ability to
influence others
for
righteousness.

Monday, January 12, 2004

Dear Curtis and Liso Strom,

As you are aware, I began investigating Jordan's alleged inappropriate remark to a fellow student before school was dismissed for the Christmas break. My investigation which is now concluded revealed that Jordan did make the remark - one with sexual connotations, that I would deem inappropriate from a Christian young man, in a Christian school.

As such I have scripturally disciplined Jordan for this offense. In addition I am suspending him from school for five (5) days effective today, Monday, January 12, 2004 through Friday, January 16, 2004. He is due back in school on Monday, January 19, 2004. During his suspension he is barred from school, all school related activities, including practices, and areas of service in the church. It is his responsibility to communicate his suspension to the department head of the area in which he serves. He should, of course do his school work at home and continue coming to church.

Please purchase and listen to a copy of my recent sermon "Mission Is Possible" from Dianne Davidson, the academy secretary. She will have copies on hand starting Monday, January 12, 2004. I would appreciate sitting down with both of you together, after you have listened to the tape. Please make an appointment with Dianne. This meeting must take place in order for Jordan to return to school. If for some reason we are unable to meet, Jordan will remain suspended from school until we have had our meeting.

If you have any questions, please write them down so that we can discuss them at our meeting.

In the meantime I trust that I can count on your cooperation to help Jordan see his error, and ensure that repentance has taken place before he is reinstated. I pray that God will continue to grace you as you work to rear Godly seed for Him. It is my firm belief that together we can make a difference for our King and His Kingdom.

Respectfully,

John Oduobokun, Ph.D.
Academy Director

PS: Given Jordan's deliberate and willful disobedience at the hospital last night, I am suspending him indefinitely from school.

THIS IS EXHIBIT "V" REFERRED TO IN
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SWORN THIS 13 DAY OF MARCH,
2025.

Madleen

A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-



June 22, 04

Here I am @ kid's camp.

I heard a rumor that
joel isn't allowed to talk
to any girls. I laughed,
what a joke. Anyway, I got 2
go, whistle blew.





KID'S KAMP

June 03, 2004

12:41pm

Well, here I am at kid's camp, and it really sucks!! o.k, it doesn't suck, but it's getting pretty close to it. For starters, I have the crapiest cabin in the whole camp. (Camp Okema) Second of all, I get absolutely no breaks. Thirdly, I have to clean bathrooms, fourthly, I am not allowed to talk to Joel Watson. They (Mr. Fenes, & Mr. Randy Donauer) think that Joel likes me (& Lizzie) and is giving us the "wrong signals". What a bunch a B.S. Everyone who is anyone





Knows that joel ~~is~~ likes
Roby R. Hellooo... joel came
out of the camp office crying.
I feel so bad for the guy.
Although... I do think he
kind of likes me... sort of.
We talked about it a bit
yesterday. He said "I don't usually
go for older girls," and I told
him "I don't go for younger
guys." see the difference. Isn't
that funny the way girls are!
we can hear one thing and dissect
it to death! I kind of wonder how
my babes are doing back in Saskatoon?
I guess I am just really
extremely stressed!!!



I have had a lot of fun
with the kids though.
Being at the beach is really
fun and the kids love me.
(I think!) We had a water
fight yesterday... and it was
a blast. I believe this is my
last year of Kid's Camp. I don't
really want my mom sending
Julia to the Kid's Camp. I don't trust
the staff. (anymore) We'll see. I
am rooming with Lara Principi.
She is pretty quiet and talks
really slow. She's great! I am
kind of a bad roommate I guess,
cause' my ^{STILL} room is a disaster!!
Hee Hee... oh well.

T. T. FIN



THIS IS EXHIBIT “W” REFERRED TO IN
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2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____

-BEING A SOLICITOR-



Accelerated Christian Education: a case study of the use of race in voucher-funded private Christian schools

Jenna Scaramanga  and Michael J. Reiss 

Department of Curriculum, Pedagogy and Assessment, UCL Institute of Education, UK

ABSTRACT

President Donald Trump has promised an expansion of voucher programs for private schools in the United States. Private Christian schools are likely beneficiaries of such an expansion, but little research has been conducted about the curricula they use or their suitability for public funds. This article describes and critiques the depiction of race in Accelerated Christian Education, a curriculum used in some voucher-funded schools in the United States, as well as in private schools in 140 countries. It employs content analysis and qualitative documentary analysis of the curriculum workbooks, and builds on Christian Smith and Michael Emerson's theoretical framework of white evangelicals' 'cultural toolkit' to explain the ideas about race in the curriculum. The paper finds that in addition to some overt racism, the system promulgates a worldview which does not have the capacity to recognize or oppose systemic injustice. It is argued that such a curriculum is not a suitable recipient of federal funding.

KEYWORDS

Christian Education;
educational vouchers;
private schools; race; racial
relations

Introduction

With the election of Donald Trump as American President, and his appointment of voucher advocate Betsy DeVos as education secretary, voucher funding for private schools is expected to expand considerably (Resmovits, 2017). Schools employing Christian fundamentalist curricula are likely beneficiaries of such expansion, yet little research exists about their content. With the American administration heightening tensions around immigration, it is important that school curricula challenge intolerant views rather than contribute to ignorance and fear.

Accelerated Christian Education (ACE) is already used in voucher schools in several American states including Louisiana (Loxton, 2012) and Florida (DeWitt, 2017). A previous examination of ACE's social studies content found that it was politically biased and intolerant towards non-Christians and Catholics (Paterson, 2003). More recently, it has been shown that the assessment instrument used for ACE is of poor quality and inappropriate as a determinant of a candidate's suitability for university entrance (Scaramanga & Reiss, 2017). This article examines the ACE curriculum's treatment of race and ethnicity, asking whether it is suitable for use in publicly funded schools.

CONTACT Michael J. Reiss  m.reiss@ucl.ac.uk  [@jennascaramanga](https://twitter.com/jennascaramanga)

This article has been corrected with minor changes. These changes do not impact the academic content of the article.
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The American Christian schools movement, which has roots in the 1920s but proliferated in the 1960s and 1970s, was led by fundamentalist educators (Laats, 2010b; Peshkin, 1986). The extent to which these were 'white flight' schools or 'segregation academies' is sometimes overstated. Supreme Court decisions ending state-mandated prayer and bible reading, along with fears over the teaching of evolution, spurred their formation. In addition, negative reactions to the desegregation of public schools undoubtedly motivated the founding of at least some of these schools (Johnson, 2011; Laats, 2009). The resulting Christian school curriculum market came to be dominated by ACE, Abeka and Bob Jones University (BJU) Press, three fundamentalist curricula with roots at BJU (Laats, 2010a), an organization which then explicitly promoted some white supremacist views.

We have both personal and professional reasons to focus on ACE in particular. One of us (Scaramanga) attended an ACE school. He first became concerned about ACE's treatment of race when, as a student, he found a defence of South African apartheid in a social studies workbook (ACE, 1990). While studying the curriculum for an examination of its suitability as preparation for university entrance (Scaramanga & Reiss, 2017), we observed other problematic elements that prompted us to examine more rigorously ACE's language about race.

While Abeka and BJU appear to be more widely used in the United States (Guthrie, 2011), they do not claim as ACE does to be used in schools in more than 140 countries (ACE, 2017). ACE's curriculum is self-instructional and does not require formal qualifications for teachers, which has allowed it to thrive in areas with a shortage of qualified staff or where schools are too small to pay teachers' significant salaries. In the United Kingdom, for example, BJU and Abeka have almost no presence, while there has long been a contingent of ACE schools (Walford, 1995). This makes ACE of international interest.

Voucher schemes

In 2012, the now-defunct activist website *CreationistVouchers.com* identified nine American states where voucher funding had gone to schools teaching fundamentalist curricula (Archive.org, 2014). ACE schools were identified as beneficiaries in five of these states. Typical of voucher schemes are Arizona's Empowerment Scholarship Accounts, which give eligible families 90% of the funding that would otherwise have gone to the student's public or charter school (Wingett Sanchez & O'Dell, 2017). This programme was originally for disabled students, but has been expanded to include those in schools judged poor-performing, military children, those from Native American reservations, foster children, and siblings of those already on the program.

Countries vary in the ways private education is funded. In Australia, all private schools, including ACE, receive public funding—they are 'private' in that they charge additional fees (Rowe & Perry, 2016). England, meanwhile, has no voucher scheme for school-aged children, but all children aged 3–4 are entitled to at least 15 h per week of early education or childcare (Gov.uk, 2017), which can be provided through private schools. In 2014 it was reported that a number of religious groups whom campaigners labelled 'extremist' had been funded this way, including nine ACE schools (Malnick & Paton, 2014). Legislation was passed that was designed to stop such schools from receiving funding, but one year later, 54 of the 91 schools of concern were still part of the free early education scheme (Espinoza, 2015).

ACE

ACE is 'a complete, self-instructional curriculum that integrates Bible truths and character values throughout all subjects and grade levels. Biblical principles and concepts are interwoven into all aspects of the programme ... and science is taught from the Biblical perspective of creation' (Christian Education Europe, 2017). The curriculum consists mainly of PACEs (Packets of ACE), workbooks typically around 40 pages in length, each of which takes a student approximately two weeks to complete (ACE, 2010a). Students complete these workbooks at desks enclosed on three sides, known as offices (ACE, 2012, pp. 78–83).

ACE originated in Texas and now has its headquarters in Tennessee, but the standardized curriculum is distributed globally. It is used in approximately 6000 schools worldwide, as well as by 'thousands' of home schoolers (ACE, 2017). Although ACE has existed since 1970, it has been the subject of surprisingly little research (Scaramanga, 2017).

Historical context

ACE's founder, Donald Howard, earned his doctorate at BJU during the 1960s. From its founding, BJU refused to accept black students, a policy it only reversed in the 1970s under considerable legal pressure. In 1960 BJU founder Bob Jones Sr. wrote of the civil rights movement, 'Do not let these Satanic propagandists fool you, this agitation is not of God. It is of the devil' (quoted in Dalhouse, 1996, p. 155). Bob Jones Jr, BJU's president, subsequently refused to sign an act of compliance with the 1964 Civil Rights Act (Dalhouse, 1996, p. 156). BJU became internationally famous in 2000 when George W. Bush began his presidential re-election campaign there (Eilperin & Rosin, 2000). Bush was criticized for failing to denounce the school's ban on interracial dating, which it had maintained despite losing its tax exemption for this and other discriminatory policies (Dalhouse, 1996, p. 158).

Despite accusations of racism towards the Christian school movement, ACE insisted it was not a racist organization, its founder writing:

Regardless of the reactions of the media, the Christian school movement is not racist. Schools are opening in white and black communities alike. Schools are segregated, integrated, multiracial, and as cross-sectioned as any program that's all-American. (Howard, 1979, p. 288)

The inclusion of 'segregated' on this list of possible qualities of Christian schools implies that Howard believed the question of segregation was for schools to decide individually. By 1987, however, ACE's official policy was not to ally itself with any school that prohibited or discouraged minority students (Parsons, 1987, p. 116). Researchers investigating ACE schools in north-west Texas found that their student bodies were almost entirely white, but were nevertheless satisfied that the schools were open to students of all races and were not 'racist academies' (Stoker & Splawn, 1980, p. 5).

Alberta Investigation

In 1984, it was discovered that Jim Keegstra had been teaching holocaust denial for 15 years in private schools in Alberta, Canada (Bercuson & Wertheimer, 1985). In the wake of this scandal, the Committee on Tolerance and Understanding (Ghitter, 1984) produced a report on Alberta's private schools. While Keegstra was not an ACE teacher, ACE came under considerable scrutiny because of alleged connections between Keegstra and Stockwell Day, a

politician who also operated an ACE school (Laird, 1998). The Committee was sufficiently concerned by what it found in ACE, Abeka and other fundamentalist textbooks to commission a separate investigation.

The Alberta education department ultimately concluded PACEs

do not display a systematic lack of tolerance and understanding toward any of the minority groups. Occasional lapses do occur as were noted in social studies where a degree of insensitivity towards blacks, Jews, and Natives was identified. These flaws are insufficient to warrant rejection. (Alberta Department of Education, 1985, p. 25)

They did, however, judge the PACEs unacceptable for their treatment of mainstream scientists:

Those who challenge the explanations given in PACEs ... to historical events and scientific phenomena are described as being 'godless', 'anti-biblical', 'foolish', and 'a fake teacher'. (Alberta Department of Education, 1985, p. 24)

Apartheid controversy

ACE was again the subject of a race controversy in 1993 when a *New York Times* article unearthed the following quotation from one of its workbooks:

Although apartheid appears to allow the unfair treatment of blacks, the system has worked well in South Africa ... Although white businessmen and developers are guilty of some unfair treatment of blacks, they turned South Africa into a modern industrialized nation, which the poor, uneducated blacks couldn't have accomplished in several more decades. If more blacks were suddenly given control of the nation, its economy and business, as Mandela wished, they could have destroyed what they have waited and worked so hard for. (quoted in Dent, 1993)

An ACE representative defended the passage, however:

Ron Johnson, an ACE vice president, said he doesn't consider the passage ... to be racist, but in a statement he referred to South Africa as 'the best example of an industrialised African nation,' and added, 'It's not for us to say if apartheid is the consequence, the result or the cause of so much physical abuse of human beings in South Africa.' (Dent, 1993)

Even here, however, ACE's message was not wholly consistent. Evans (1995) reports that from its first arrival in South Africa, ACE defied apartheid authorities by insisting that schools be integrated.

Curriculum reviews

Only a handful of independent reviews of the ACE curriculum exist, of which three make reference to its problematic racial content. Fleming and Hunt (1987) quote from a social studies PACE which denied that the white regime in Rhodesia (now Zimbabwe) was racist. Regarding ACE's treatment of Aboriginal Australians, Speck and Prideaux (1993) sought advice from Australia's Aboriginal Studies Officers and from Aboriginal people, who expressed 'extreme concern' (p. 285) and indicated the materials were unacceptable:

Major deficiencies identified included the promotion of simplistic generalisations about Aborigines, and lack of attention to the richness and diversity of Aboriginal cultures, and the complex social structures, values and beliefs of Aboriginal people. (Speck & Prideaux, 1993, p. 285)

Frances Paterson's review of ACE, Abeka and BJU Press focused on religious rather than racial intolerance: 'To say that the authors ... portray Roman Catholicism and non-Western religions in a negative way is to understate the case by several orders of magnitude. All the texts evince a deep hostility to these religions' (2003, p. 107). Where a religion is closely associated with a particular ethnic group, this religious intolerance can have racist implications—some ACE materials describe Native Americans as 'savages', 'primitive pagans' and 'worshippers of demons' (quoted in Paterson, 2003, p. 159).

UK National Academic Recognition Information Centre controversy

In 2008, NARIC (National Academic Recognition Information Centre), the United Kingdom government agency responsible for international qualification comparisons, endorsed the ICCE (International Certificate of Christian Education), a qualification awarded to students completing their ACE studies. Contemporary news reports (Shaw, 2009; Shepherd, 2009) challenged this endorsement in part by referring to an ACE workbook which appeared to defend Apartheid. The full quotation reads:

For many years, the four racial groups were separated politically and socially by law. This policy of racial separation is called 'apartheid.' South Africa's apartheid policy encouraged whites, Blacks, Coloureds, and Asians to develop their own independent ways of life. Separate living areas and schools made it possible for each group to maintain and pass on their culture and heritage to their children.

For many years, Blacks were not allowed to vote in national elections and had no voice in the national government. Reporters and broadcasters from all parts of the world stirred up feelings against the white South African government. These factors contributed to unrest within South Africa. In addition, there are at least ten separate, distinct tribal groups in the nation. Because these tribes are not a cohesive group but are often in conflict with each other, much of the violence in South Africa has been between different groups of Blacks. In spite of apartheid and the unrest in recent years, South Africa is the most developed country in Africa, and Blacks in South Africa earn more money and have higher standards of living than Blacks in other African countries. (ACE, 2006, pp. 27, 28)

The significance of the reference to 'reporters and broadcasters' might be lost on those unfamiliar with conservative Christian rhetoric about the 'liberal media'. In another PACE, students read 'The humanist ... media ... is training North Americans to reason away much of the Bible and its teachings' (ACE, 2010c, p. 13). It is likely that ACE students find themselves in a cultural milieu where the mainstream media are seen as opposed to Christian values. When they read that 'reporters and broadcasters stirred up feelings', students may assume that this is another instance of 'liberal media' bias. The description of 'much of the violence' as 'between different groups of Blacks' minimizes the roles of the white government and of white citizens in the oppression of black people, instead blaming the victims.

Responding to accusations of racism in the ACE curriculum, spokesperson Brenda Lewis 'said she had never seen the apartheid claims, but stressed that British teachers would strongly challenge them' (Shaw, 2009). The apartheid material in question, however, had been in use since 1994. Because ACE is a self-instructional curriculum, it is possible for school staff to be unaware of all that students are being taught. If Brenda Lewis, an ACE school headteacher, had not noticed racist material in circulation for 15 years, it is unclear how she could be confident it would be challenged in schools.

Theoretical framework

This research builds on earlier work by Emerson and Smith (2000; Emerson, Smith, & Sikkink, 1999) about white evangelicals' attitudes to racial inequality in the United States. While ACE itself is fundamentalist rather than evangelical, Emerson and Smith's framework is a valid starting point because no differences were found between self-described evangelicals' and fundamentalists' explanations for racial inequality (Emerson et al., 1999, p. 402), and because ACE's curriculum is widely used in evangelical schools (Walford, 1995), and in charismatic Christian schools (Froneman, 2012; Hoon, 2010; Van Brummelen, 1989).

Emerson and Smith argue that white evangelicals are not personally prejudiced or hateful. Indeed, many evangelical ministries actively seek to end racism. Nevertheless, white evangelicals hold beliefs which contribute to the perpetuation of a racialized society. This, they argue, is because of white evangelicals' cultural 'tool kit' (Swidler, 1986). Swidler argues that culture provides a tool kit of symbols, stories, rituals and worldviews, which provide a basis for solving problems and organizing actions. Emerson et al. (1999, p. 400) argue that this toolkit 'does not determine perspectives or actions, but limits them, in the same way carpenters are limited by the tools available'. They further argue that these guiding assumptions are transposable, so that believers use the cultural tools of white evangelicalism not only in religious contexts, but also to make sense of issues such as race relations:

The racially important cultural tools in the white evangelical toolkit are 'accountable freewill individualism,' 'relationalism' (attaching central importance to interpersonal relationships), and 'antistructuralism' (inability to perceive or unwillingness to accept social structural influences). (Emerson & Smith, 2000, p. 76)

Although modern American evangelicalism is diverse (Worthen, 2014), the emphasis on individualism, and rejection of structuralism, is rooted in their theology of salvation. According to evangelicalism, to become 'born again', one must make an individual decision. When we die, God will hold us individually accountable for our actions, and punish the unsaved with eternal damnation:

Underlying traditional Christian thought is an image of man as a free actor, as essentially unfettered by social circumstances, free to choose and thus free to effect his own salvation. This free-will conception of man has been central to the doctrines of sin and salvation. For only if man is totally free does it seem just to hold him responsible for his acts. (Stark and Glock 1969, quoted in Emerson et al., 1999, p. 401)

Emerson et al. suggest that Stark and Glock's characterization is 'somewhat overstated' (ibid.). While it may be overstated for white evangelicalism at large, it is a fair representation of ACE, which takes an uncompromisingly individualistic position on pedagogy, economics and theology. Students study individualized worksheets in isolated carrels. PACEs argue against all forms of welfare and state-funded health care because these are thought to be unscriptural: 'Genesis declares that man is to earn bread by the sweat of his face, not by another man's' (Howard, 1979, p. 67). Religious lessons emphasize 'God created us as individuals. Jesus died for us as individuals and we will one day be judged as individuals' (Dennett, 1988, p. 40). As a result, 'it is a necessity for evangelicals to interpret the problem [of racial inequality] at the individual level. To do otherwise would challenge the very basis of their world, both their faith and the American way of life' (Emerson & Smith, 2000, p. 89).

Emerson and Smith's (2000) survey of a nationally representative sample of 2000 American white conservative Protestants found that they were much more likely to endorse individual explanations for racial inequality and to reject structural explanations. They tend to overlook

or deny societal and institutional forms of racism. From qualitative interviews used to illuminate these findings, Emerson and Smith explain that white evangelicals see racism as simply the result of original sin.

In addition to the factors Emerson and Smith identify, we argue that ACE employs other cultural tools that lead to blind spots where racism is concerned: its particular reading of history as the unfolding of God's plan, and its conflation of 'white' values with 'Christian' values. Williams (2010) argues that evangelicals, through initiatives against evolution, Catholic political power and communism, came to see the Republican Party as the vehicle through which they could reclaim the American as a Christian nation. This is not to forget the importance, albeit in a minority role, of the evangelical left in American politics (Swartz, 2012).

Of central relevance to our argument is Edward J. Blum and Paul Harvey's (2012) *The Color of Christ: The Son of God and the Saga of Race in America*. Here, the authors examine the apparent paradox that the image of Christ has been used both to justify the atrocities of white supremacy and to inspire the righteousness of civil rights crusades. From a theological perspective, this is not that surprising—it has long been held that it is as easy to undertake eisegesis (the opposite of the more desirable exegesis); in regards, for example, to issues to do with the family and sexuality, Christians, while generally conservative are sometimes on scriptural grounds, deeply radical (Reiss, 2014).

Methods

Our methodological approach draws on content analysis, literary analysis and critical race theory (Ladson-Billings & Tate, 1995). Drawing on historian Richard Beringer's work, Derrick Alridge argues that literary analysis is a primary method in intellectual history, in which researchers (1) read the literature, (2) note the themes, (3) discuss the themes, and (4) support their conclusions by example (Alridge, 2006, p. 40). This methodology has successfully been employed in evaluations of the role of race in curricula (Alridge, 2006; Brown & Brown, 2010). We read the PACEs word for word, paying particular attention to wordings and visual representations that alluded, expressly or otherwise, to issues of race. As will be seen below, there is no real need for any formal use of critical discourse analysis (e.g. Fairclough, 2003); the attention to documentation typical of historical enquiry (e.g. McCulloch, 2004) suffices.

In addition to a qualitative examination of a selection of ACE's English, social studies and science curriculum, we performed a content analysis on the cartoons that appear in the PACEs. A character strip is 'A pictorial storyline of the A.C.E. characters throughout the curriculum that illustrates Biblical principles with the purpose of instilling Godly character into the lives of students' (ACE, 2010a; p. 8). Looking at the ethnicity of the depicted characters, we examined the number of representations of white people and people of colour (POC) in the PACEs. Our hypothesis was that all skin tones other than white would be under-represented, because they are under-represented in curricula produced by ACE's main fundamentalist competitors, Abeka and BJU Press (Agiro, 2012).

Of the PACEs examined, 55 English, 20 Science and 11 Social Studies PACEs contained character strips. The differences in number are because English PACEs include character strips in every grade, whereas in science they stop after the eighth grade and in social studies after the seventh. Each PACE typically contains three or four character strips. The PACEs were

obtained between 2012 and 2014 and were the most recent available at the time of purchase.

Results

For Table 1, we counted every character in each strip, even if that character had previously appeared in another strip in the same PACE. Using this method, there are 854 character appearances in 272 cartoons, of which 754 (88%) are white. For Table 2, we calculated the percentages of cartoons to feature one or more white people and one or more person/POC. At least one POC appears in 19% of reviewed cartoons. Almost all of these are black; representation of other ethnicities is very limited. This is in part because at the time of our examination, ACE was still in the process of releasing the fourth edition PACEs, which include some Asian and Latino characters. In the third edition, the only character not black or white is Victor Manley, an adopted orphan from the Pacific Islands, who appears in seven cartoons.

In the United States, where ACE is based, white people are 77.4% of the population (US Census Bureau, 2015). By this measure, white people are over-represented and POC under-represented in the PACEs. ACE, however, is sold around the world in 140 countries, including many where whites are a minority. For use in such places, the under-representation of POC in the PACEs is glaring.

POC are also under-represented in ACE's English materials. ACE English consists mostly of traditional grammar exercises. From the seventh to ninth grade, the example sentences tell stories of modern-day Christian heroes. Of the 38 heroes mentioned, all but one (George Washington Carver) are white (and all but two are male). One of them is Confederate general Robert E. Lee, who is repeatedly described as 'wise' and 'a strong Christian', while secession is depicted as the conscientious result of 'differing opinions' (ACE, 1995, pp. 13–27, 42).

It is not, however, under- or over-representation that is most problematic in PACEs, but the way different ethnicities are represented. Third edition PACE character strips are set in a fictional city called Highland. In Highland, there are two church schools, named Highland and Harmony. All the staff, students and church attendees at Highland are white, while all those at Harmony are black. Fourth edition PACEs add another church-school, Heartsville, where everyone is Latino, Native American or Asian. In the PACE world, churches and schools are segregated. While the PACEs never explicitly acknowledge this fact, ACE's list of main characters from each church-school shows that they are separated by skin colour (ACE, 2012, pp. 146–150). In 23 of the examined cartoons (8%), characters of different ethnicities are shown interacting outside of church or school, however.

ACE claims 'There is an ethnic awareness quality that illustrates how diverse ethnic groups can live harmoniously' (ACE, 2010a, p. 19). Given that schools depicted in PACEs are

Table 1. Appearances in cartoons of white and POC characters.

| Subject | White:POC % | Sample ^a /population ^b |
|----------------|-------------|----------------------------------------------|
| English | 89:11 | 55/144 (38%) |
| Science | 90:10 | 20/96 (21%) |
| Social studies | 82:18 | 11/78 (14%) |

^aSample refers to the number of PACEs examined.

^bPopulation refers to the total number of available PACEs featuring character strips.

Table 2. Cartoons depicting one or more white or POC characters.

| Subject | One or more white (%) | One or more POC (%) |
|----------------|-----------------------|---------------------|
| English | 88 | 18 |
| Science | 89 | 21 |
| Social studies | 90 | 23 |

segregated, it might be inferred that ACE believes the way for diverse ethnic groups to live harmoniously is for them to be largely separate. Even if this is not the intention, ACE's depiction of segregated communities serves to normalize the idea, particularly for those students who attend schools where all students are of the same ethnic background.

There is some evidence that ACE has tried to improve the representation of POC in the fourth edition PACEs. An exception to the depiction of segregated schools appears in *Science 1021* (ACE, 2010b, pp. 6, 23); two cartoons show black characters from Harmony church-school in the background of a scene at Highland (their presence in the 'white' school is not explained). The cartoons in the third edition (ACE, 2005) show white characters in the background, but are otherwise similar. Although it may be a welcome sign of increased inclusivity, this change also raises questions: if ACE wishes to depict integration, why not abolish the segregated schools altogether? Why, judging from our sample, are the changes towards inclusivity so few?

The representations of different ethnicities are not obviously stereotyped. In fact, there is nothing distinctive about any of the characters, who all dress alike and perform the same activities. Of the examined 4th edition cartoons, 11 depicted Latino and Asian characters; the text and actions shown are identical to 3rd edition cartoons depicting white characters. There are no cultural differences between the characters because for ACE's authors, Christianity entails a particular way of behaving. As one early review of the curriculum put it:

[In ACE's] Statements of Practice, a Christian life-style, which includes 'modest clothing, appropriate hair styles, and general deference to the tastes of fundamental Christians,' is described. A specific style of dress and grooming seems to be required ...

ACE materials generally reflect a Christian perspective, but as an outgrowth of the Christian faith they also promote a certain life style, an allegiance to which is not necessarily part of that faith. (Moser & Mueller, 1980, pp. 10, 15)

The PACEs make little or no distinction between Christian values and the values of the white, middle-class, Southern American milieu from which they originated. The authors' preferences for dress, musical style and behaviour are presented as requirements for holiness. Being 'Christian', then, means assimilation to white, middle-class culture. This is seen in both ACE's prescriptivist grammar curriculum, which presents traditional standard (white) English grammar as the only 'correct' way to write or speak, a practice which disadvantages speakers of Black English Vernacular and other dialects of English (Fogel & Ehri, 2000). It is also present in the uniform guidelines for boys at ACE's student conventions, which state 'Extra curly or afro hair is not to exceed one inch in length', while other boys' hair may be any length so long as it is 'not touching the ear or collar' (ACE, 2016; pp. I-8, I-13). White America has long depicted black men's bodies as hyper-sexualized, thuggish and inferior (Ford, 2008). As Mercer (2000, p. 113) notes, 'black people's hair has been historically *devalued* as the most visible stigmata of blackness, second only to skin'. ACE's ban on Afro hair, a symbol of Black

Pride and Black Power (Mercer, 2000), can be understood in this context. It might also be seen as an attempt to apply a Biblical injunction against long hair (*I Corinthians* 11:14–15) to African hair types. Nevertheless, it is a rule which explicitly targets afro hair, implying that it is somehow improper at lengths considered acceptable for other hair types.

Anti-racist sentiments

It is clear that the ACE does not think of itself as racist, and in places the PACEs position themselves as anti-racist. Of cartoons appearing in PACEs, ACE claims 'There is an ethnic awareness quality that illustrates how diverse ethnic groups can live harmoniously' (ACE, 2010a, p. 19). A more recent history PACE describes present-day South Africa: 'Great churches, where all races worship God together, are being built throughout the country and are establishing schools where children of all races learn and play together' (ACE, 2010c, p. 55). The texts state, albeit infrequently, that integration is desirable and prejudice is unchristian.

One PACE endorses the Supreme Court's 1954 integration of schools, saying: 'No one should be oppressed because of race, religion, or colour. Leviticus 25:17 states, 'Ye shall not therefore oppress one another; but thou shalt fear thy God: for I am the LORD your God' (ACE, 2015, p. 30). The same PACE favourably mentions Martin Luther King, although descriptions of his activism are limited and there is no description of the injustices perpetrated under segregation or Jim Crow. King is the subject of a total of 345 words in the PACE text, which is approximately 13,000 words long and covers the period 1945–1965. The struggle for integration in American schools receives a further 489 words; the 1964 Civil Rights Act gets 55 words. This is the entirety of coverage of the Civil Rights Movement in this period. By comparison, Supreme Court decisions removing compulsory prayer and Bible reading from public schools receive 733 words.

No doubt ACE would reject accusations of racism, arguing that God commands us to love everyone equally. This rejection is unsurprising. Emerson and Smith (2000) argue that white evangelicals are not more personally prejudiced than others, nor are they less concerned about racism. Rather, their cultural toolkit means that even where they engage in anti-racist activities, they can act in ways that reinforce and reproduce racial inequality.

History

In ACE's view of history, God continually intervenes:

[W]e cannot study history without acknowledging that God is the Author and Finisher of all history—it is 'His—story'. We see God intervening directly in human affairs right from the beginning—the Flood, the Tower of Babel, the call of Abram and so on. No human authority or government is in power without His permission, as Romans 13:1 says: 'There is no power but of God: the powers that be are ordained of God.'

God also works through principles which he demonstrates over the course of time. For example, the principle 'righteousness exalteth a nation: but sin is a reproach to any people' (Proverbs 14:34) has been worked out in the history of several great nations and empires across the world. (CEE, 2011, p. 3)¹

As ACE's vice president explains: 'Observing historical cycles of civilization, ACE writers correlate subordination to God to the life spans of civilizations' (Johnson, 1987, p. 520). In the PACEs, the fall of empires is associated with the loss of Christian morality. The success of the

British Empire and later of the United States, by contrast, are said to be the result of the Christian foundations of these countries. Of Queen Victoria's reign, students read:

Queen Victoria's exemplary virtue and longevity contributed much to the stability and high moral tone of the Victorian Age. So, too, did Britain's position as a dynamo of industrial power, a showcase of material prosperity, a fearsome military threat to all would-be challengers, and a paradigm of democratic reform ... Now, at the zenith of her history, the Christian faith of Britons—the very foundation of British society, culture, and civilization—was under serious attack. (ACE, 1997a, p. 7)

This 'serious attack', according to the text, came from Charles Darwin's theory of evolution, from biblical scholarship which challenged literal interpretations, and from Karl Marx. Thus, 'The fragmentation of Britain's traditional belief in Biblical principles could not fail to bring negative results ... the Empire was in decline' (ibid.).

The view that 'righteousness exalteth a nation' requires a selective reading of history. In order to defend the view that the British Empire was a godly enterprise, British History PACEs minimize the evils of colonialism:

For the past thirty years it has been fashionable with popular historians and journalists to 'write off' the Empire as a repressive and negative venture in the subjugation of peoples and nations. The very words 'imperialist' and 'imperialism' have come to mean all that is horrible about the suppression of one race of people by another. However, there is no doubt that the British Empire has brought many benefits to the modern world. Both the first British Empire (c. 1600–1776) and the second (c. 1830–1968) contributed very significantly to the spread of western European culture, values and beliefs throughout the world ... Most importantly, British missionaries, like the apostles in the first century, used the British Empire to spread the gospel to nations that may not have otherwise heard the glad tidings of salvation. It is true that there are a number of disreputable events in the history of the British Empire, including three centuries of slave trading, the Opium Wars and the exploitation of naive 'natives'. However, on balance, the British Empire has given the modern world much for which it should be grateful. (CEE, 2012, p. 2)

This results in an ahistorical understanding of the present. Grappling with the history of racial injustice would threaten ACE's theology and, by extension, the beliefs it wishes to impart about who we are today. The PACEs' view of history does not provide an adequate context for understanding the racialized societies that exist now.

The view that obedience to God results in nations' prosperity is not limited to ACE's history curriculum, however, but informs their analysis of current events. This is exemplified by the Geography PACE about Africa. Sometimes the non-Christian dominant religion is identified, and a description of poverty in the area immediately follows:

In southern Sudan, most people speak local languages and practice pagan religions. In the desert regions, most of the people are Arabic-speaking Muslims.

The Sudanese have made very slow progress in their attempt to modernize their nation. Most of the people are uneducated, diseases are common, and skilled laborers are few ...

Almost all Somalians are Muslims. A severe drought during 1992 and 1993 led to widespread famine in Somalia. By 1994 the rains had returned and a good harvest was expected, but conflict continued among the tribal groups in the nation. (ACE, 2006, pp. 16, 17)

This contrasts with the nations identified as predominantly Christian:

Zambia is one of the world's largest producers of copper. Zambia also has rich deposits of zinc, lead, and gold. Unlike soil in most of Africa, Zambia's soil is good for agriculture ... Christianity has played an important role in the life of Zambia ... Today most Zambians are Bible believers ...

The first white settlers came to South Africa in 1652. These Dutch Europeans settled in what is now Cape Town and founded their society on Scriptural principles. They built a progressive, economically sound culture and developed the natural resources of the country. Before the arrival of the Dutch, South Africa was undeveloped. The native Africans followed traditional tribal ways and worshiped pagan gods. (ACE, 2006, pp. 21, 27)

The success of the United States is explicitly attributed to its 'Christian heritage' and the Christian faith of its citizens. ACE's geography curriculum accordingly emphasizes the work of missionaries, since becoming 'born again' is seen as a prerequisite for the alleviation of poverty.

Insensitive language

Racially insensitive terms appear periodically in the PACEs. People of east Asia are referred to as 'Oriental' four times in one Geography PACE (ACE, 2002), and people of mixed European and African ancestry are called 'mulattoes' eleven times in another (ACE, 1997b). This term derives from the Spanish and Portuguese term *mulato*, meaning mule, the hybrid offspring of a horse and a donkey. Some dictionaries label it archaic and offensive (cf. Cambridge, 2017; Chambers, 2017; Merriam-Webster, 2017). It is at the very least a potentially offensive and non-technical term that is out of place in educational literature. Native Americans are sometimes called 'savages' (e.g. ACE, 1996b; pp. 32, 38, 1996c, p. 7), and a native of China a 'Chinaman' (ACE, 1996a, p. 35).

ACE's ethnocentrism is perhaps best exemplified in the way it introduces students to the study of Asia through a story about a western visitor to China:

Michael tried to fight his panic as he raced from place to place, searching vainly for something familiar. With pointed roofs and upturned eaves, the buildings around him looked like nothing he had ever seen before. Signs on streets and buildings were covered with strange characters that looked as though someone had been doodling with a paintbrush ...

In desperation, Michael watched the people passing him on the street, but their physical appearance provided him no comfort. Their skin was light brown, their hair was dark and straight, and the inner fold of their eyelids made their eyes seem to slant ...

Far Eastern cultures, languages, and religions seem alien to most Europeans and Americans. Oriental people appear mysterious and inscrutable, and their religions seem strange. Do these people have anything in common with European or American Judeo-Christian heritage and beliefs? (ACE, 2002, p. 2)

Conversation about racial justice

In the second-to-last English PACE (ACE, 2007), characters from Highland (the 'white' school) and Harmony (the 'black' school) are depicted on a trip together, the only time in the reviewed PACEs that they are shown interacting for an extended period. Within the story, the characters discuss three questions: 'why are so many people racially prejudiced? How can I apply Biblical principles to resolve racial conflict? [and] ... How can I break down racial barriers that exist between me and people of other races?' (ibid., p. B). The discussion begins with Booker, a black student, remarking 'I asked for this steamboat trip because I also wanted to get a feel for my heritage ... what it might have been like to have been a slave' (ibid., p. A). The characters speaking in these quotations are Victor Manley, an orphan from the Pacific Islands

who lives in Highland, Reginald Upright, another Highland student, and J. Michael Kindhart and Miriam Peace, black students who attend Harmony. The conversation contains a reminder that it is Christlike to love everyone:

'Well,' said Reginald, 'when a person emulates Christ, he views and regards other people as our Lord did. He loved everyone individually and personally, regardless of race, social status, or physical characteristics.' (ibid., p. D)

Elsewhere, other priorities emerge:

[Victor Manley:] Jesus always looked beyond physical conditions and focused on meeting the other person's needs ... He was more interested in drawing them to God than He was in debating social injustices between Jews and Samaritans or Romans. (ibid., p. C)

This seems to imply that conversations about social justice are a distraction from the more important business of evangelism. It could therefore be used to silence those who seek to prevent injustices.

[J. Michael:] My dad taught me to be myself and to respect myself. He said if I did that, others would respect me too. I understand that not everyone is trained in Biblical principles, so I don't take every careless remark or expression as a racial slur. I work at breaking down barriers, not building them up.

[Miriam:] Some people have a hard time forgetting offenses and abuses done to their ancestors ... especially when others generalize and force everyone of a particular race or ethnic group into the same mold. They make something a racial issue when it's not.

Taken together, these two quotations seem to imply that there is a correct way for black people to behave, and it involves not making a fuss about casual racism, and forgetting about slavery because it was a long time ago. Again, this silences conversations on social justice and makes it harder for current inequalities to be addressed. It has been argued that some conservative Protestants' emphasis on individual responsibility and individual salvation prevents them from considering social structures and institutional problems that perpetuate racial inequality (Dupont, 2013; Emerson et al., 1999). Emerson and Smith (2000) found that white evangelicals tend to believe all obstacles to equality have now been removed, a position the above quotations seem to support. ACE explicitly rejects the value of conversations that would address racial inequalities.

Conclusion

The ACE curriculum has features that perpetuate white supremacy, overtly and covertly. Given the intersection of race, embedded social (school-based) practice and the exercise of power (by teachers over students), critical race theory provides a useful way of helping to understand the extent to which and why racism is engrained, and thus perpetuated, within ACE. Within ACE, whiteness, maleness and having been converted to a particular understanding, experience and practice of Christianity, are necessary for those who wish both to be powerful and to exist in a state of righteousness.

The overt features of the ACE curriculum are the most obviously egregious, and should immediately disqualify ACE from consideration for use in publicly funded schools. They could, however, be removed from a future version of the ACE curriculum without destroying its identity. There is some evidence that this is has started to happen (Scaramanga, 2017). ACE could integrate the segregated communities in its cartoons, remove any defence of

apartheid, and replace the PACES' occasional derogatory language, while remaining recognizably the same curriculum.

While these cosmetic improvements to the curriculum could be made easily, the deeper ways ACE perpetuates white supremacy could not be removed without a radical overhaul of its ideology. ACE denies the value of worldviews and cultures other than its own, and through its rugged individualism, denies the reality of structural racism. While the offensive references to 'savages' could be removed without major changes to the curriculum, the worldview ACE promotes does not have the capacity to acknowledge the scale of historical or contemporary injustices. Teaching students the reality of slavery, colonialism, or Jim Crow would threaten ACE's contention that American history has been ordained by a just God. Recognizing contemporary injustices would threaten ACE's individualism. Individualism is so essential to ACE's worldview that the entire curriculum is individualized, and group activities eschewed (Speck & Prideaux, 1993). ACE exists primarily to impart a particular view of the world (ACE, 2017; Speck & Prideaux, 1993). This view is tightly bound up with implicit notions of white supremacy.

It could be argued that mainstream textbooks have an ugly racial history of their own. Uncomfortably recently, American public school textbooks have contained racist language and ethnocentrism of the kind for which we are now criticizing ACE. More generally, it would also be a mistake to think that racism has been erased from mainstream social studies education. Relatively recent studies of American textbooks find important omissions that militate against students forming an informed and contextualised understanding of the history of racial violence (Alridge, 2006; Brown & Brown, 2010). *The American Pageant*, a nationally used advanced placement text, has been criticized for minimizing the evils of slavery and promoting racist stereotypes (Reed, 2015).

The failings of aspects of mainstream schooling do not exonerate ACE. Racism is no less harmful when it occurs in private institutions. There is a qualitative difference, however, between the kind of racism found in ACE textbooks and that noted in contemporary mainstream textbooks. In textbooks examined by Brown and Brown (2010), racial violence is described as the actions of bad individuals rather than contextualised as systematic and institutional. Those same acts of violence are not mentioned at all in the ACE materials focusing on twentieth Century American history.

In this examination, we have not focused on ACE's omissions but on those aspects which might be seen as promoting prejudice or discrimination. In this respect, the ACE materials are more similar to textbooks from before the Civil Rights era (Foster, 1999; Zimmerman, 2004). Civil Rights activists successfully argued for the removal of discriminatory content from textbooks, and these arguments can equally be applied to the curriculum content of voucher-funded private schools. They argued that if white children absorbed prejudiced messages, this would be an obstacle to racial equality in society; that history which minimizes the evil of slavery or segregation is not merely insulting but *inaccurate*; and that racist messages in textbooks were psychologically harmful to black children (Zimmerman, 2004). Those arguments are now almost universally accepted, and they are equally applicable today. If they are sufficient to exclude racist material from directly state-funded schools then they ought also to exclude it from schools funded by vouchers.

From this argument, it should not be inferred that we consider white evangelicalism to be a homogenous movement (cf. Marti & Ganiel, 2014; Steensland & Goff, 2014). It is far from the case that all evangelicals accept the portrayals of race found in the ACE curriculum.

However, owing to the history of private Christian education, fundamentalist curricula are widely used in Christian schools, even if those operating the schools are not themselves fundamentalist (Walford, 1995). Because ACE is self-instructional, students' interaction with the text is for the most part not mediated by teachers. Of course, students may draw their own understandings and interpretations from the text, and further research would be required to investigate these. Interviews with ACE students, parents and school staff would help to illuminate how they understand and respond to the PACE text. However, the evidence suggests that textbooks are highly influential (Foster, 1999), and it is plausible that this would be even more strongly the case with a self-instructional curriculum.

This paper has only considered one curriculum in common use in private Christian schools, but there is evidence that certain other Christian school curricula have similar problems. Fundamentalist curricula such as Abeka, BJU Press and ACE are sufficiently similar that scholars and journalists frequently group them together for discussion purposes (cf. Alberta Department of Education, 1985; Laats, 2010a; Menendez, 1993; Paterson, 2003; Wilson, 2012). Agiro (2012) found evidence of racial and gender discrimination in Abeka and BJU textbooks, while Wilson (2012) reports that one BJU textbook defended the Ku Klux Klan. This is not to deny the possibility of a high quality religious education (cf. Chapman, McNamara, Reiss, & Waghid, 2014; Gardner, Cairns, & Lawton, 2005; Hand, 2012) and we recognize that forms of Christian education intended to combat systemic racism have been proposed (e.g. Fears, 2017). Nevertheless, the ACE curriculum has a history of explicit and implicit racism which makes it a poor candidate for public funding.

Notes

The PACEs examined for this review were:

English 1061–1071, 1073–1080, 1084–1108, 1112, 1118, 1121, 1127, 1129, 1130, 1134, 1135, 1142–1144; Science 1013, 1015, 1017, 1021, 1045–1048, 1085–1108; Social Studies 1029, 1045–1048, 1073–1078, 97–108, 1097–1108, UK1085-UK1096, 1139.

In all cases the author and publisher is Accelerated Christian Education, except Social Studies UK1085-UK1096, whose author and publisher is Christian Education Europe. Place of publication is not given.

Note

1. CEE (Christian Education Europe) is ACE's European distributor. It publishes PACEs primarily for use in the UK and Europe, but which are also available in other territories.

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No potential conflict of interest was reported by the authors.

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References

- ACE. (1990). *Social studies 1086* (3rd ed.). Unknown: Author.
- ACE. (1995). *English 1086* (3rd ed.). Unknown: Author.
- ACE. (1996a). *English 1073* (3rd ed.). Unknown: Author.
- ACE. (1996b). *English 1074* (3rd ed.). Unknown: Author.
- ACE. (1996c). *English 1104* (3rd ed.). Unknown: Author.
- ACE. (1997a). *English 1142* (3rd ed.). Unknown: Author.
- ACE. (1997b). *Social studies 1102* (3rd ed.). Unknown: Author.
- ACE. (2002). *Social studies 1106* (3rd ed.). Unknown: Author.
- ACE. (2005). *Science 1021* (3rd ed.). Unknown: Author.
- ACE. (2006). *Social studies 1099* (3rd ed.). Unknown: Author.
- ACE. (2007). *English 1143* (3rd ed.). Unknown: Author.
- ACE. (2010a). *Procedures manual I: Learning center essentials*. Nashville, TN: Author.
- ACE. (2010b). *Science 1021* (4th ed.). Unknown: Author.
- ACE. (2010c). *Social studies 108*. Unknown: Author.
- ACE. (2012). *Administration manual*. Nashville, TN: Author.
- ACE. (2015). *Social studies 1095* (4th ed.). Unknown: Author.
- ACE. (2016). *Student convention guidelines*. Hendersonville, TN: Author. Retrieved July 3, 2017, from https://www.acestudentprograms.com/media/pageimg/Complete_ISC_Guidelines.pdf
- ACE. (2017). Global contacts. Retrieved August 25, 2017, from <https://www.aceministries.com/global-contacts>
- Agiro, C. P. (2012). Comparative critical discourse analysis of student and teacher editions of Secondary Christian American Literature Textbooks. *Journal of Research on Christian Education*, 21(3), 211–234. doi:10.1080/10656219.2012.733557
- Alberta Department of Education. (1985). *An audit of selected private school programs: Accelerated Christian Education, Alpha Omega, Mennonite Schools, Seventh-Day Adventist schools, and A BEKA Instructional Resources*. Edmonton: Author.
- Aldridge, D. P. (2006). The limits of master narratives in history textbooks: An analysis of representations of Martin Luther King, Jr. *Teachers College Record*, 108(4), 662–686.
- Archive.org. (2014, March 19). Say no to creationist vouchers. Retrieved from <http://web.archive.org/web/20140319231624/http://creationistvouchers.com:80/web/20140319231624/http://creationistvouchers.com:80/>
- Bercuson, D., & Wertheimer, D. (1985). *A trust betrayed: The Keegstra affair*. Toronto: Doubleday.
- Blum, E. J., & Harvey, P. (2012). *The color of Christ: The son of god and the Saga of Race in America*. Chapel Hill: University of North Carolina Press.
- Brown, A. L., & Brown, K. D. (2010). Strange fruit indeed: Interrogating contemporary textbook representations of racial violence toward African Americans. *Teachers College Record*, 112(1), 31–67.
- Cambridge. (2017). Mulatto. Retrieved June 26, 2017, from <http://dictionary.cambridge.org/dictionary/english/mulatto>
- CEE. (2011). *Social studies UK1085*. Unknown: Author.
- CEE. (2012). *Social studies UK1091*. Unknown: Author.
- Chambers. (2017). Mulatto. Retrieved June 26, 2017, from <http://www.chambers.co.uk/search.php?query=mulatto&title=21st>

- Chapman, J. D., McNamara, S., Reiss, M. J., & Waghid, Y. (Eds.). (2014). *International handbook of learning, teaching and leading in faith-based schools*. Dordrecht: Springer.
- Christian Education Europe. (2017). Bible-based curriculum. Retrieved March 14, 2017, from <http://christian.education/curriculum/>
- Dalhouse, M. T. (1996). *An Island in the lake of fire: Bob Jones University, fundamentalism, and the separatist movement*. Athens: University of Georgia Press.
- Dennett, S. (1988). *A case for Christian Education*. Bradford: Harvestime.
- Dent, D. J. (1993, April 4). A Mixed Message in Black Schools. *New York Times Education Supplement*, p. 28.
- DeWitt, D. (2017, March 1). Public funding for private schools on the rise in Hernando, and statewide. Retrieved March 22, 2017, from <http://www.tampabay.com/news/education/k12/public-funding-for-private-schools-on-the-rise-in-hernando-and-statewide/2314919>
- Dupont, C. R. (2013). *Mississippi praying: Southern White Evangelicals and the Civil Rights Movement, 1945-1975*. New York: New York University Press.
- Eilperin, J., & Rosin, H. (2000, February 25). Bob Jones: A magnet school for controversy. *Washington Post*, p. A06.
- Emerson, M. O. & Smith, C. (2000). *Divided by faith: Evangelical religion and the problem of race in America*. Oxford: Oxford University Press.
- Emerson, M. O., Smith, C., & Sikkink, D. (1999). Equal in Christ, but not in the world: White conservative protestants and explanations of Black-White inequality. *Social Problems*, 46(3), 398-417. doi:10.2307/3097107
- Espinoza, J. (2015, May 2). Creationism still taught in faith schools despite government funding threat. Retrieved August 25, 2017, from <http://www.telegraph.co.uk/education/educationnews/11578432/Creationism-still-taught-in-faith-schools-despite-Government-funding-threat.html>
- Evans, G. (1995, February 10). Learning the Christian Way. *Mail & Guardian*. Retrieved from <http://img.co.za/article/1995-02-10-learning-the-christian-way>
- Fairclough, N. (2003). *Analysing discourse: Textual analysis for social research*. London: Routledge.
- Fears, B. A. (2017). Freedom train: The underground railroad as a model of Christian Education, Antiracism, and Human Rights Advocacy. *Religious Education*, 112(1), 19-32. doi:10.1080/00344087.2016.1256366
- Fleming, D. B., & Hunt, T. C. (1987). The world as seen by students in Accelerated Christian Education. *Phi Delta Kappan*, 68(7), 518-523.
- Fogel, H., & Ehri, L. C. (2000). Teaching elementary students who speak Black English vernacular to write in standard English: Effects of dialect transformation practice. *Contemporary Educational Psychology*, 25(2), 212-235. doi:10.1006/ceps.1999.1002
- Ford, K. A. (2008). Gazing into a distorted looking glass: Masculinity, femininity, appearance ideals, and the Black body. *Sociology Compass*, 2(3), 1096-1114. doi:10.1111/j.1751-9020.2008.00116.x
- Foster, S. J. (1999). The struggle for American identity: Treatment of ethnic groups in United States history textbooks. *History of Education*, 28(3), 251-278. doi:10.1080/004676099284618
- Froneman, J. D. (2012). A vision for a Reformed Christian college for South Africa. *Koers Bulletin for Christian Scholarship*, 77(1), 4. doi:10.4102/koers.v77i1.55
- Gardner, R., Cairns, J., & Lawton, D. (Eds.). (2005). *Faith schools: Consensus or conflict?* Abingdon: RoutledgeFalmer.
- Ghitter, R. (1984). *Committee on tolerance and understanding. Final report* (No. ED 258 739). Edmonton: Alberta Department of Education.
- Gov.uk. (2017). Help paying for childcare: 15 and 30 hours free childcare for 3 and 4-year-olds. Retrieved August 25, 2017, from <https://www.gov.uk/help-with-childcare-costs/free-childcare-and-education-for-2-to-4-year-olds>
- Guthrie, J. (2011). Christian-published textbooks and the preparation of teens for the rigors of college science courses. *Journal of Research on Christian Education*, 20(1), 46-72. doi:10.1080/10656219.2011.557562
- Hand, M. (2012). What's in a worldview? On Trevor Cooling's Doing God in education. *Oxford Review of Education*, 38(5), 527-537. doi:10.1080/03054985.2012.722862
- Hoon, C. Y. (2010). Mapping "Chinese" Christian Schools in Indonesia: Ethnicity, class and religion. *Asia Pacific Education Review*, 12(3), 403-411. doi:10.1007/s12564-010-9144-7.

- Howard, D. R. (1979). *Rebirth of our nation*. Lewisville, TX: Accelerated Christian Education.
- Johnson, O. (2011). The Story of Bob Jones University v. United States: Race, religion, and congress' extraordinary acquiescence. In W. N. Eskridge, P. N. Frickey, & E. Garrett (Eds.) (pp. 127–165). New York, NY: Thomson Reuters/Foundation Press. Retrieved from <https://papers.ssrn.com/abstract=1552173>
- Johnson, R. E. (1987). ACE responds. *Phi Delta Kappan*, 68(7), 520–521.
- Laats, A. (2009). Christian Day Schools and the transformation of conservative evangelical protestant educational activism, 1962–1990. In D. Meyers & B. Miller (Eds.), *Inequity in education* (pp. 183–210). Plymouth: Lexington.
- Laats, A. (2010a). Forging a Fundamentalist "One Best System": Struggles over curriculum and educational philosophy for Christian Day Schools, 1970–1989. *History of Education Quarterly*, 50(1), 55–83. doi:10.1111/j.1748-5959.2009.00245.x
- Laats, A. (2010b). *Fundamentalism and education in the scopes era*. New York, NY: Palgrave Macmillan.
- Ladson-Billings, G., & Tate, W. F., IV (1995). Towards a critical race theory of education. *Teachers College Record*, 97(1), 47–68.
- Laird, G. (1998). Bentley, Alberta: Hellfire, Neo-Nazis and Stockwell Day. Retrieved April 24, 2016, from <http://www.hiddenmysteries.org/themagazine/vol12/articles/bentley/bentley1.shtml>
- Loxton, R. (2012, June 24). How American fundamentalist schools are using Nessie to disprove evolution. *Herald Scotland*. Retrieved from <http://www.heraldscotland.com/news/education/how-american-fundamentalist-schools-are-using-nessie-to-disprove-evolution.17918511>
- Malnick, E., & Paton, G. (2014, March 18). Islamic schools condemned by David Cameron receive state funding. Retrieved August 25, 2017, from <http://www.telegraph.co.uk/news/politics/10706398/Islamic-schools-condemned-by-David-Cameron-receive-state-funding.html>
- Martí, G., & Ganiel, G. (2014). *The deconstructed Church: Understanding emerging Christianity*. Oxford: Oxford University Press.
- McCulloch, G. (2004). *Documentary research in education, history and the social sciences*. London: Routledge.
- Menendez, A. J. (1993). *Visions of reality: What fundamentalist schools teach*. Buffalo, NY: Prometheus.
- Mercer, K. (2000). Black hair/style politics. In K. Owusu (Ed.), *Black British culture and society: A text reader* (pp. 111–121). London: Routledge.
- Merriam-Webster. (2017). Definition of mulatto. Retrieved June 26, 2017, from <https://www.merriam-webster.com/dictionary/mulatto>
- Moser, C., & Mueller, D. (1980). Accelerated or exaggerated? An evaluation of Accelerated Christian Education. *Lutheran Education*, 116(1), 8–17.
- Parsons, P. F. (1987). *Inside America's Christian Schools*. Macon, GA: Mercer University Press.
- Paterson, F. R. A. (2003). *Democracy and Intolerance: Christian school curricula, school choice, and public policy*. Bloomington, IN: Phi Delta Kappa Educational Foundation.
- Peshkin, A. (1986). *God's Choice: The total world of a fundamentalist Christian school*. Chicago, IL: University of Chicago Press.
- Reed, N. (2015, November 17). Are Texas textbooks making cops more trigger-happy? Retrieved August 31, 2017, from <http://theconversation.com/are-texas-textbooks-making-cops-more-trigger-happy-49635>
- Reiss, M. J. (2014). Sex education and science education in faith-based schools. In J. D. Chapman, S. McNamara, M. J. Reiss, & Y. Waghid (Eds.), *International handbook of learning, teaching and leading in faith-based schools* (pp. 261–276). Dordrecht: Springer.
- Resmovits, J. (2017, January 16). Trump's pick for Education secretary could put school vouchers back on the map. *Los Angeles Times*. Retrieved from <http://www.latimes.com/local/education/la-me-trump-vouchers-california-20161221-story.html>
- Rowe, E., & Perry, L. (2016, October 3). Yes, some Australian private schools are overfunded – Here's why. Retrieved August 25, 2017, from <http://theconversation.com/yes-some-australian-private-schools-are-overfunded-heres-why-66212>
- Scaramanga, J. (2017). *Systems of indoctrination: Accelerated Christian Education in England* (PhD). London: University College London.

- Scaramanga, J. & Reiss, M. J. (2017). The suitability of the International Certificate of Christian Education as an examination for university entrance. *Oxford Review of Education*, 43(6), 788–804. doi:10.1080/03054985.2017.1352500.
- Shaw, M. (2009, July 31). Fundamentalist exams on a par with A-level. *Times Education Supplement*, p. 1.
- Shepherd, J. (2009, July 31). Creationist exams comparable to international A-levels, says NARIC. *The Guardian*. Retrieved from <http://www.theguardian.com/education/2009/jul/31/creationist-exams-comparable-to-a-levels>
- Speck, C., & Prideaux, D. (1993). Fundamentalist education and creation science. *Australian Journal of Education*, 37(3), 279–295. doi:10.1177/000494419303700305
- Steensland, B., & Goff, P. (2014). *The new evangelical social engagement*. Oxford: Oxford University Press.
- Stoker, W. M. F., & Splawn, R. (1980). *A study of Accelerated Christian Education Schools in Northwest Texas*. Canyon: West Texas State University.
- Swartz, D. R. (2012). *Moral minority: The evangelical left in an age of conservatism*. Philadelphia: University of Pennsylvania Press.
- Swidler, A. (1986). Culture in Action: Symbols and strategies. *American Sociological Review*, 51(2), 273–286.
- US Census Bureau. (2015). Population estimates, July 1, 2015, (V2015). Retrieved May 24, 2016, from www.census.gov/quickfacts/
- Van Brummelen, H. (1989). *Curriculum implementation in three Christian Schools*. Calvin College. Retrieved from <http://www.calvin.edu/academic/education/news/publications/monoweb/vanbru~1.pdf>
- Walford, G. (1995). *Educational politics: Pressure groups and faith-based schools*. Aldershot: Avebury.
- Williams, D. K. (2010). *God's own party: The making of the Christian right*. Oxford: Oxford University Press.
- Wilson, B. (2012, June 18). The Loch Ness monster is real; The KKK Is Good: The shocking content of publicly paid for Christian School Textbooks. Retrieved June 26, 2017, from http://www.alternet.org/story/155926/the_loch_ness_monster_is_real%3B_the_kkk_is_good%3A_the_shocking_content_of_publicly_paid_for_christian_school_textbooks
- Wingett Sanchez, Y., & O'Dell, R. (2017, April 20). Arizona's new school-voucher program is on hold. Now what? Retrieved August 25, 2017, from <http://www.azcentral.com/story/news/politics/arizona-education/2017/04/20/arizona-expanding-its-school-voucher-empowerment-scholarship-account-program-now-what/100352304/>
- Worthen, M. (2014). *Apostles of reason: The crisis of authority in American Evangelicalism*. Oxford: Oxford University Press.
- Zimmerman, J. (2004). Brown-ing the American textbook: History, psychology, and the origins of modern multiculturalism. *History of Education Quarterly*, 44(1), 46–69. doi:10.1111/j.1748-5959.2004.tb00145.x

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A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-

**A REVIEW OF
PRIVATE SCHOOLING IN
SASKATCHEWAN**

September, 1987

**Submitted to:
Honourable Lorne Hepworth
Minister of Education**

**Prepared by:
Gordon E. Dirks
West-Con Management Services Inc.
Regina, Saskatchewan**

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This study was funded by the Saskatchewan Department of Education. The conclusions and recommendations of this Report are solely the responsibility of the writer.

Executive Summary

As of March, 1987, there were forty-eight private schools operating in Saskatchewan with a total enrollment of 3,133 pupils, or 1.6 per cent of public and separate school enrollment. Forty-four of these schools are sponsored by religious organizations. School enrollments vary from two to 478 pupils.

Students attending Saskatchewan's private schools are generally receiving a satisfactory education. However, this province lacks proper regulatory legislation to ensure that private schools are periodically inspected and that satisfactory instruction is being offered.

A private school regulatory framework is required which places the onus for private school inspection upon Department of Education officials, specifies criteria to be used when inspecting private schools and provides for a fair dispute-settling mechanism.

As well, there is need for a standardized approach to the supervision of home schooling sites in the province which will clearly define the duties and responsibilities of parents and education officials involved.

The Department of Education should continue to provide operational/capital grant funding to the private high schools presently receiving such funding, but should not undertake a major extension of operating/capital grants to other private schools. However, a case can be made to provide these schools with a modest materials/equipment grant, providing the public treasury can accommodate such assistance and these funds are not taken from monies

allocated to support public schools, which should be the prime beneficiary of public dollars spent on education in order to ensure equality of access to an adequate education opportunity for all children.

The levying of property taxes on private school property by municipal governments is discriminatory and should immediately be prohibited.

Failure to implement needed changes in Saskatchewan's policies respecting private schooling will contribute to a growing sense of frustration and tension among parents and educators.

1. The Review of Private Schools in Saskatchewan

1.1 Introduction

Who shall school our children? What and how shall they be taught? Who shall shoulder the financial burden for their education? In whom shall the final authority for their education rest? These are troublesome questions, and, given our emerging patterns of pluralism in Canada, it is not surprising there are no universally accepted answers to be found.

Public policy debates concerning education have played a fundamental role in shaping our Canadian cultural landscape. The 1867 Confederation agreement would never have been consummated had not the Fathers of Confederation agreed to the establishment of separate Protestant and Roman Catholic school systems.

The century-old, oft-times divisive Manitoba school question, concerning the place of Roman Catholic schooling in that province, the emotional debate engendered by the Government of Ontario's recent decision to extend full public funding to Ontario Roman Catholic high schools, and the 1986 R.v.Jones Supreme Court case respecting government control of private schools in Alberta each demonstrate how near and dear to the Canadian heart matters of education can be.

We quite rightly ask: do parent rights to educate their children supercede state interests? Should municipal governments be permitted to tax the property of private religious schools? Should all private school teachers be certified by the state? Should all private schools be licensed by the government? Should a uniform curriculum be taught to all Saskatchewan children? Are private schools a threat or a benefit to the public good? Do public schools promote shared values of co-operation and tolerance? Do private schools engender elitism and intolerance? Should public funds be used to support private education? Should all private schools receive the same degree of public funding?

In a pluralistic democracy, consensus answers to these questions are difficult to formulate. Long-established traditions, personal school experiences, legal precedents, religious beliefs, constitutional rights, availability of public funds, democratic values and interest-group pressures together form an ever-shifting mosaic of diverse and oft-times conflicting viewpoints concerning the education of our children and the place of private schooling in that process.

1.2 Establishment of the Review

Issues concerning private schooling in Saskatchewan have gained considerable prominence during the past decade. This rise in interest is not peculiar to Saskatchewan. Extensive reviews of private schooling have been commissioned in both Alberta (1984) and Ontario (1985).

More recently, the Supreme Court case of R. v. Jones has focussed national attention on the thorny issue of parent rights versus state control of private education.

Here in Saskatchewan, private schooling issues have been the recent focus of debate in the public press and within educational organizations. In early 1987, the Saskatchewan Teachers' Federation (STF) adopted an official position on private schooling which states that all private schools "should be required to conform to all legislation and regulations applicable to public schools." The President of the Saskatchewan Association of Independent Church Schools has taken exception to this position, arguing that, if enforced, it would mean the virtual extinction of private schools in Saskatchewan.¹

Both the Saskatchewan School Trustees' Association (SSTA) and the League of Educational Administrators, Directors and Superintendents (LEADS) have recently discussed policy positions on private schooling.

This growing attention to private schooling has, in large measure, been precipitated by considerable growth in the number of private elementary schools and their enrollments during the past decade. At the same time, since a significant number of these schools do not follow the Saskatchewan Department of Education curriculum, or hire certified teachers, concerns are also expressed by some about the quality of education being offered in these private schools.

¹ Leader Post, Regina, Friday, July 17, 1987.

Certain parents in Regina and Saskatoon, dissatisfied with what they perceive to be a secular bias to public education, have petitioned their public school trustees to permit the establishment of alternate schools, with a religious orientation, under the jurisdiction of the public school board. These requests have been denied by school trustees, who cited concerns about the fragmentation of the public school system. The parents in question went on to establish their own successful independent schools.

Some parents who send their children to private, religious-oriented schools have petitioned Ministers of Education to change government funding rules so that their schools will receive at least a measure of public funds, if not full public funding, in the same way that Roman Catholic families are able to benefit from full public funding for the education of their children in a religious environment.

Other private school parents are requesting the right to be able to direct the education portion of their residential property tax to support the cost of their children's education in the school of their choice.

Recently, certain Saskatchewan municipal governments have begun to levy taxes on various private school properties heretofore not taxed. This action has been challenged by affected parent groups in Saskatoon and Regina who have petitioned for redress, while refusing to pay the tax levy, citing its discriminatory nature.

Many directors of education employed by public school boards are reticent to supervise private religious schools, particularly those that do not teach the Department's curriculum, even though present Saskatchewan legislation

places the burden for such evaluation upon the local director of education. Consequently, it is not uncommon for certain private schools to operate in a supervisory vacuum, independent of any outside supervision or inspection. Given the absence of such supervision, questions will quite naturally be raised about whether or not these private schools offer satisfactory instruction.

In response to these concerns, and to the growing demand for various changes to Saskatchewan's public policy respecting private schooling, the Honourable Lorne Hepworth, Minister of Education, has commissioned this review. In his words, "We are commissioning this report because many parents, private school boards and their administrators have asked us to examine the issues surrounding these schools."²

Accordingly, this review has been commissioned with the following terms of reference:

- An examination of the Saskatchewan issues surrounding the existence of private schools, home schooling, parent rights, and public responsibility for education;
- Possibilities for and implications of public funding for private schools, including issues of tax on private school property;
- Approaches to managing public responsibility for attendance requirements and quality of education in private schools;

² Leader Post, Regina, Saturday, March 14, 1987.

- **A review of the current and projected private school situation in Saskatchewan with respect to numbers, types of schools and enrollment;**
- **A review of approaches followed in other provincial jurisdictions;**
- **Recommendations with respect to the above issues, including any necessary legislative or regulatory changes.**

These terms of reference can be distilled into the following five major questions:

- 1. Should private schooling be permitted in Saskatchewan?**
- 2. If yes, should the provincial government impose any controls upon private schooling, and if so, what degree of control should be exercised and for what purposes?**
- 3. Should public funds be used to support operating and capital expenses of private schooling, and if so, to what extent?**
- 4. Should provincial legislation permit the taxation of property used for private school purposes?**
- 5. What are the likely trends in favor of private schooling in Saskatchewan and what are the likely impacts on the public school system of permitting private schools to continue to operate in Saskatchewan?**

1.3 The Review Process

In order to respond to the preceding terms of reference the following research activities were undertaken by the writer:

1. Consultations were held with:

- representatives from the Saskatchewan Department of Education;
- representatives from the Saskatchewan Teachers' Federation;
- representatives from the League of Educational Administrators, Directors and Superintendents;
- representatives from the Saskatchewan School Trustees' Association;
- representatives from the Saskatchewan-Manitoba Conference of the Seventh-Day Adventist Church;
- representatives from the University of Regina and the University of Saskatchewan Faculties of Education;
- representatives from the Saskatchewan Association of Independent Church Schools;
- representatives from the nine publicly-funded private high schools.

2. On-site school visits were conducted at fourteen private schools, as well as the Bergthaler Associated School in the Valley School Division.

3. Directors of Education representing forty-seven school divisions responded to a request to provide written information pertaining to the operation of private schooling in their jurisdictions, as well as make personal observations and recommendations pertaining to the subject matter of this review.

4. School principals representing thirty-one private schools responded to a request to provide written information pertaining to the operation of their independent school, as well as make personal observations and recommendations pertaining to the subject matter of this review.
5. Provincial and territorial jurisdictions in Canada were requested to provide information pertaining to private schooling in their jurisdiction.
6. Saskatchewan Department of Urban Affairs officials were requested to provide information pertaining to municipal taxation of property used for private schooling purposes.
7. Saskatchewan Department of Education officials were requested to provide relevant Department of Education material pertaining to private schooling in Saskatchewan.
8. Various reports, articles, briefs and other literature pertaining to the subject matter of this review were consulted.

In the view of the writer this action plan has been sufficient to enable a well-informed response to the terms of reference and this response is contained in the following chapters. *

* For an indepth review of private school policies in other Canadian jurisdictions, the reader is referred to the Cross Canada Survey resource paper prepared in conjunction with A Study of Private Schools in Alberta, Woods Gordon, Edmonton, 1984, and also to The Report of the Commission on Private Schools in Ontario, Toronto, 1985.

2. Review Principles

This review of private schooling recognizes that education is a complex social phenomena - it does not lend itself to simplistic analysis or ready consensus.

As such, this review has sought first to identify certain foundational principles and traditions which the writer believes are generally accepted by Saskatchewan parents, educators and policy-makers as time-proven guidelines for social policy decision-making, and which together build a foundation for the recommendations which follow.

1. Social policy-making is not primarily an academic exercise based upon hard empirical research; nor is it the process of reaching conclusions from esoteric theorizing about the nature of man or what constitutes a just society, as important as these activities may be.

Policy-making in education, as in other social disciplines, is and must at root be a political process which attempts to sort out conflicting or competing values, giving precedence to some and subordinating others in the interests of maintaining social stability while simultaneously striving for a reasonably just and tolerant society. At times this may imply a tolerable level of discrimination against a minority view. On other occasions it may infer that minority interests take precedence over traditional majority thought and practice.

The recommendations of this review are based on the belief that in Saskatchewan there are differing visions of what is both just and appropriate as it respects private school policy, and that those differing viewpoints will, and must, in the final analysis, be arbitrated through the political process, and ultimately by the courts, if necessary.

This review has not been conducted, nor recommendations offered, to satisfy the designs of any special interest group, but rather to continue the search for a reasonably tolerant and just democratic society which strives to accommodate divergent opinions about private schooling without jeopardizing the common good.

The recommendations which follow are therefore offered with the recognition that our political process operates best for all of us when it affirms what is workable, rather than imposing what one or another societal faction or special interest group deems best.

It is the writer's belief that the recommendations contained in this report are workable solutions to a growing set of real and perceived problems respecting the education of Saskatchewan children, and in particular, the operation of private schools in this province. With little or no modification, these recommendations can be adopted by the political process as solutions which can effectively correct present problems and lessen growing social tensions in the education domain for some years to come.

2. Because social policy must be based on the interaction of many social/cultural arrangements, and these often differ from province to province, what works in one jurisdiction may not be appropriate for another.

Saskatchewan has its unique historic arrangements respecting education, which in some cases are substantially different from other provinces. While a review of education policy respecting private schooling in other provinces can help to inform and define the Saskatchewan private school debate, one cannot necessarily extrapolate solutions from British Columbia or Newfoundland.

3. This review accepts the premise that residents of Saskatchewan see equality of educational opportunity as a primary means of helping people realize their potential and thus facilitate the pursuit of their individual goals and aspirations. Publicly funded schools accessible to all are commonly accepted as society's means of providing a general equality of educational opportunity for all children.

While they are by no means perfect, and in some cases may fall well short of parental expectations, public schools play an important role in helping to free people from the disabling historic accidents of poverty, ignorance, physical disability and discrimination.

If all society's children, rich and poor, disabled or non-disabled, immigrant or aboriginal, are to enjoy access to equal educational opportunity, then it is important that the public school system receive sufficient financial resources to meet the needs of all its students.

This is not to say that effective public education is a function solely of the level of government-supplied, per pupil grants. Dedicated teachers working in concert with committed parents will likely accomplish more with fewer resources, than other less dedicated educators working in lavishly outfitted schools.

Nevertheless, in general, equality of educational opportunity means that publicly-funded schools should be the prime beneficiary of public tax dollars spent on education, in order to ensure universal access to a quality of educational experience that the majority of our citizens deem necessary and adequate.

Any redistribution of public tax dollars towards the support of private education and away from the public school system should therefore be resisted if such redistribution will retard the provision of equal educational opportunity for all children. It does not necessarily follow, however, that any public funding of private education need automatically be at the expense of public education.

4. The acceptance, indeed the encouragement, of cultural diversity has been a hallmark of Canadian and Saskatchewan history. In the latter twentieth century the forces of multi-culturalism are everywhere present. As a culturally heterogeneous people we value diversity, and as a democracy rooted in individual freedom we resist imposed uniformity.

Those who call for a monopolistic, publicly-funded and controlled education system are thus speaking at cross-purposes with the fundamental nature of Canadian society. We are a free people in constitution and practice. Such

freedom implies the opportunity to offer and to make choices. It means that permitting and encouraging a diversity of social policy options, within parameters that ensure the common good, should be a valued practice in the education domain, as in other social policy arenas.

Consequently, diversity within the public school system, and the school system at large, designed to meet different parental expectations and children's needs, should be encouraged. Diverse public alternate schools and private school opportunities which meet needs and expectations unfulfilled by traditional public schools should not be discouraged by public policy.

A public monopoly of education would violate important Saskatchewan values of diversity, parental choice, tradition and practice. Private schools that meet minimum standards respecting society's legitimate interests and children's legitimate rights, should receive the legal recognition of the state, as a social policy that befits the best interests of democracy and its implied freedoms and values.

5. Contrary to the United States' experience, there does not exist in Canada a constitutionally mandated separation between church and state. Whereas in the United States public funds have not been used to support private sectarian education, such is not the case in Canada. In most provincial jurisdictions varying degrees of public funds are granted by legislative assemblies to support sectarian education. In Newfoundland this means a variety of religious groups receive full government funding for elementary and secondary education. In other provinces it means Roman Catholic schools are one hundred percent

government funded while certain other sectarian schools receive a lesser amount of government funding.

This review recognizes that varying degrees of public funding for sectarian education, which meets certain state-defined standards, is the rule both in constitutional law and practice throughout most of Canada.

Any reversal of this practice would be divisive in the extreme and it is difficult to presume what social benefit would derive from such a reactionary policy.

6. Educating our children has been viewed in Saskatchewan and throughout Canada as a responsibility to be shared by the parents and the government. It is the role of the family to exercise its natural, God-given, prior right and responsibility for the education of its offspring. While this responsibility may be delegated (e.g., school boards, departments of education), parents remain vested with the prior right and responsibility to school their children. Government policy which thwarts the legitimate exercise of this familial right and responsibility will undoubtedly engender social strife and disrespect for governing authorities.

Wisdom would therefore dictate that parents should be free to choose educational options for their children that accord with family traditions, parent expectations and extended family/ community values and beliefs. The views of professional educators, municipal or provincial governments, or even elected school board representatives, should never be seen as superceding in

importance those of the individual parents whose children are affected by education policy-making.

At the same time, the government has been vested by its citizens with the power to act on behalf of the legitimate interests of the larger society and as a protector of the child's welfare. If an educated citizenry is deemed by the populace at large to be in the common good, then it is a legitimate role of government to ensure that its citizens are reasonably educated. Such government function will imply a certain measure of imposed control over the education of all children, to ensure the interests of the larger society are secured. This legitimate state imposition will of necessity produce conflict, if for no other reason than a democracy which values difference of opinion and free speech will undoubtedly offer different opinions as to how an "educated citizen" is to be defined and what process shall be sanctioned by the state to reach that end.

Nevertheless the intrusion of this state control into matters of education is both a price and a safeguard of democracy and should, within limits, be tolerated by Saskatchewan residents.

Such control must, however, be exercised with due caution, recognizing the prior right of parents, established religious freedoms and democratic traditions of diversity, tolerance and freedom of choice in matters of conscience.

7. Religious freedom, and freedom of conscience, are fundamental elements of democratic life in Canada, sheltered by The Canadian Charter of Rights and Freedoms. Since the education of our young can never be a value-

free exercise, it is inevitable that matters touching the domain of religion will factor into education policy-making. Parents who choose to school their children in an independent, religious-school setting do so for many reasons, not the least of which is the belief, among a small but growing number of parents, that the public school system often functions at cross purposes to traditional Christian values and practices. For reasons of conscience these parents have chosen to school their offspring in an alternate education setting in order to maintain fidelity with what they perceive to be their religious obligation.

Private schools in Saskatchewan are almost universally religious in character, some more so than others. Those who may advocate the abolition of private schools, in favor of a single, public system, ignore the Canadian tradition of religious schooling, a tradition sanctioned in law and by generations of practice. Prudent education policy making will respect this tradition.

8. The centralization and bureaucratization of public education is perhaps the most dominant feature of twentieth century public education. Today, policy discussion and decision-making in the field of education are far removed from the average parent. Large and powerful special interest groups dominate the education landscape. Nevertheless, it remains an important and powerful truism that the greater the involvement of the family in the education of their children, the greater the likelihood of successful teaching and learning taking place.

Schools which encourage parental input are more likely to unite family and educator in the common goal of providing effective learning experiences for the child.

This review believes it is appropriate for the government to make possible an approach to schooling which encourages opportunity for parental and community participation in the education of children.

The existence of alternate public schools and private schools is one means to provide such opportunity.

9. Co-operation in the midst of toleration and diversity are undergirding values which in great measure characterize the Saskatchewan spirit. For generations these values have existed in a delicate balance as reflected in many of our social policy institutions, and education is no exception. Saskatchewan is not a monolithic, homogeneous social unit. We are English, Native, Chinese, French, Ukrainian, Mennonite, East Indian. We are Protestant, Roman Catholic, Jewish, Moslem and otherwise. We are a mosaic that has learned to work together in co-operative effort and to live apart in tolerant neighbourliness.

Social policy engineers who ignore our present social fabric and its historical underpinnings would err grievously if they were to compel in totalitarian fashion a single, uniform approach to the education of our children.

We have learned to tolerate diversity and difference of opinion. At the same time we have learned to co-operate in matters of common interest. Few would argue that we do not all have a common interest in the education of our young. It is therefore not unreasonable to expect that accommodation and compromise, in the spirit of co-operation, should characterize our common efforts to build an education system which attempts, as much as possible, to meet the expectations and alleviate the concerns of us all.

10. A fundamental tenet of democratic policy-making is that tax funded enterprises should be open within reason to public accessibility and accountability. We therefore expect our public education system to be open to public review, accessible to all children, and tuition-free. We expect that it shall be accountable to the parents whose children are being educated, and to the public who are being called upon to fund the enterprise.

Private schools, by their very nature, are not accessible, accountable, or open to the public as are public schools. We quite naturally balk at the notion that public funds should be used for certain private means, unless there is a reasonable measure of public accountability, accessibility and public good that derives from the private expenditure.

For this reason the writer believes that public schools should represent the priority investment in government funding of education, but not necessarily the exclusive investment, for there may be sound social policy reasons for a measure of public funding to be designated to private schooling, as long as the common good is maintained.

3. An Overview of Private Schooling in Saskatchewan

3.1 Introduction

As of March, 1987, there were forty-eight private schools operating in Saskatchewan, providing education to 3,133 pupils, or approximately 1.6 per cent of public school enrollment (including Roman Catholic schools). A decade earlier, approximately 1,621 students were enrolled in private schools, representing 0.7 per cent of total school enrollment.

Saskatchewan's private schools, range in size from two to 478 students. They are found in all regions of the province, except the far north, and are situated in all types of communities, from small rural villages to large urban centres.

Reasons why parents choose private schooling for their children will vary, but generally include: a perception that private schools provide better pupil discipline than do public schools, place a greater emphasis on basic academic skill development, offer an integrated religious/academic curriculum that better reflects the parents philosophy of life and world-view, place greater emphases on inculcating traditional moral values, and provide more acceptable role-models as teachers.

Almost all of Saskatchewan's private schools are sponsored by a religious organization, normally a religious denomination or independent church. Religious themes, motifs, and activities are a frequent and integral element of

these schools, whether it be in the form of a daily morning chapel service, scripture memorization, staff prayer meeting, Christian Ethics course, religious bulletin board displays or textbooks whose authors have woven religious content from front cover to back.

The degree of religious practice manifest varies from school to school. Nevertheless, the unifying factor which sets virtually all Saskatchewan private schools apart from public schools (excluding public Roman Catholic schools) is the religious element. It should be noted that all forty-four private schools which could be classed as religious, offer private schooling in the traditions and beliefs of the Christian religion, although there is considerable variance in both practice and dogma.

A broad religious sponsorship of Saskatchewan's private schools is noted as follows:

| <u>SPONSORING ORGANIZATION</u> | <u>NUMBER OF SCHOOLS</u> |
|--------------------------------|--------------------------|
| Seventh Day Adventist | 9 |
| Mennonite | 8 |
| Inter-Denominational | 8 |
| Roman Catholic | 5 |
| Non-Denominational | 4 |
| Baptist | 3 |
| Pentecostal | 3 |

| <u>SPONSORING ORGANIZATION</u> | <u>NUMBER OF SCHOOLS</u> |
|--------------------------------|--------------------------|
| Lutheran | 2 |
| Full Gospel | 1 |
| Church of Christ | 1 |
| Non-Religious Sponsorship | 4 |
| <hr/> | |
| TOTAL | 48 |

Nine of these private schools are eligible according to Department of Education criteria to receive a direct operating/capital grant from the public treasury. The remaining thirty-nine schools are not eligible.

Fifteen private schools do not follow the prescribed Saskatchewan Department of Education curriculum, but rather offer the ungraded Accelerated Christian Education (ACE) curriculum by which students are taught in an individualized fashion using programmed learning materials which stress concept, skill and information mastery before the student may proceed to learning new material.

Twenty-four private schools follow the prescribed Saskatchewan Department of Education graded curriculum. The nine Seventh-Day Adventist Schools offer a slightly modified Saskatchewan Department of Education curriculum.

Detailed identifying and statistical information on each of Saskatchewan's private schools is found in Appendix A.

3.2 The Private High Schools

As of March, 1987, 1,897 pupils were being schooled in what are commonly called the nine private high schools, which are situated in Wilcox, North Weyburn, Prelate, Rosthern, Outlook, Regina, Prince Albert, Caronport and Gravelbourg.

In the last half decade (1982-1987) the total enrollment in these nine private high schools has risen modestly from 1,732 pupils to 1,897.

Each of these high schools receives a direct per pupil operating grant from the Department of Education, and only Department certified teachers are employed as instructors. The Department curriculum is followed in each school.

These private high schools are permanent education fixtures in Saskatchewan. Their traditions and place in the education practice of this province are deeply rooted. They are well-respected within education circles and it is not uncommon for some of these schools to attract significant numbers of out-of-province students to their campuses.

A tenth private high school, St. Joseph's High School, Vibank, Saskatchewan, is operated as a business by an entrepreneur. The Saskatchewan curriculum is followed and certified teachers are employed. Pupil enrollment has dropped from fifteen in 1982 to five in 1987.

3.3 The Private Elementary Schools

In addition to the nine private high schools, there are eleven private elementary schools (with grade levels varying from Kindergarten to Grade Nine) which follow the graded Saskatchewan Department of Education curriculum. In the last half-decade (1982-1987) enrollment in these private schools has increased from 218 to 456.

Seven of these schools are Mennonite in sponsorship, one Roman Catholic and three are non-denominational. All of these schools employ certified teachers except for certain of the Mennonite schools which do not require, for religious reasons, that their teachers have more formal education than is taught in their schools.

3.4 The Seventh-Day Adventist Schools

Seventh-Day Adventist education in Saskatchewan dates back to 1908 with the establishment of two schools, one at Rouleau, the other at Hanley.

In March, 1987, nine Seventh-Day Adventist schools were operating in Saskatchewan offering instruction to a total of 171 pupils. This compares with 161 pupils being taught in ten such schools five years ago.

Seventh-Day Adventist Schools follow a slightly modified Saskatchewan Department of Education curriculum. Adventist teachers are encouraged, although not required by their school system to obtain provincial teacher

certification. However, they must obtain denominational teacher certification which includes requirements of a Bachelor's degree and teacher education courses.

In general, Seventh-Day Adventist schools are not unlike the above-mentioned elementary and secondary private schools, except for minor curriculum modifications and religious differences.

3.5 The Accelerated Christian Education Schools (ACE)

The largest category of private schools is comprised of schools referred to as Accelerated Christian Education schools. There were fifteen such schools in Saskatchewan as of March, 1987, giving instruction to 506 pupils. This compares to 311 students receiving instruction in eight such schools in 1982.

ACE schools are commonly associated with a particular local church. In many cases they operate in church buildings as an adjunct to the total church program. It is not uncommon for the local church minister to be the school principal or administrator.

Students in ACE schools are instructed using packets of self-paced instructional materials called PACES. The content of each subject (e.g., mathematics, social studies) is divided into approximately twelve units of study at each grade level. Students work through the PACE at their own rate and are required to demonstrate mastery of the PACE content by achieving a minimum score of 80% on the PACE test before being permitted to tackle a new unit of material.

ACE schools in general do not require teachers to hold Department of Education teacher certification. However, in some ACE schools all or most teachers are Departmentally certified.

Because ACE schools do not follow the Saskatchewan Department of Education curriculum, graduating ACE students are not granted high school standing by the Department of Education. This makes it difficult for ACE high school age graduates to obtain entrance to Saskatchewan universities or technical institutes upon ACE school graduation since these post-secondary institutes require Departmentally recognized high-school standing before granting entrance to their programs.

3.6 The Non-Religious Private Schools

There are three schools in Saskatchewan which provide education which addresses the needs of pupils with special emotional or socio/psychological problems. These schools follow the Saskatchewan Department of Education curriculum within the limitations of the therapy and counselling services they provide. Only Department of Education certified teachers are employed in these schools.

3.7 Government Operating Grants for Private Schools

In Saskatchewan, a Department of Education per pupil operating grant is provided to private schools which meet the Department's criteria for private school funding.

To be eligible for such funding, the private school:

- must have been in operation for a period of not less than five years;
- must meet the requirements of the Minister and the regulations in respect of courses of study, qualifications of teachers, operating schedules and supervision;
- must have had an enrollment during each of the preceding two years of not less than sixty pupils in grades nine to twelve;
- must furnish the Minister with any information he may require respecting finances and administration.

In school year 1986-87, a total of \$3,230,511 was provided to nine private schools which met the above criteria. This amount represents less than one per cent (.98%) of the \$328,347,200 provided by the Department in the form of operating grants to public and separate school division boards.

Eight of the nine schools received in 1986-87 an annual per pupil grant in the amount of \$1,783 for each Division IV student who is a resident of

Saskatchewan or a foreign student. This private school per pupil grant represents 58.8 per cent of the full Division IV operating grant of \$3,028 per pupil which was provided to public and separate school boards.

The ninth private high school, Athol Murray College of Notre Dame, receives the full Division IV per pupil grant which is paid to Wilcox St. Augustine Roman Catholic Separate School Division No. 91.

It can be argued that the Department of Education, by permitting the operation of these high schools, and by providing to eight of these schools a per pupil grant less than the full Division IV per pupil grant, is saving an estimated \$1,432,609 in operating grants in 1986-87.

Put another way, if all of the Division IV pupils presently attending these eight high schools were to transfer to public or separate high schools, the Department of Education would have to increase its overall operating grant monies to boards of education by an additional \$1,432,609.

3.8 Government Capital Grants for Private Schools

In addition to receiving annual per pupil operating grants from the Department of Education, the nine Division IV private high schools referred to above are also eligible to receive a grant in the amount of ten percent of the total cost incurred for any capital construction undertaken by the private school.

From 1978/79 to 1985/86 a total of \$369,974 was granted to private schools to assist with capital construction. This represents 0.1 per cent of the

\$339,946,912 provided to public and separate school boards for capital construction and debt retirement purposes during the same period.

3.9 Other Forms of Public Assistance for Private Schools

While direct public-funded operating and capital grants are made available to only nine of forty-eight private schools, various forms of public assistance are from time to time provided to other private schools by some public and separate school boards or other public bodies. Examples of such assistance are listed below:

- shared use of a public school board's audio-visual centre and materials;**
- shared use of pupil bus transportation services provided by a public school board;**
- gift of used textbooks from a public school board;**
- use of a public school board's standardized testing materials;**
- access at no cost to driver training education from a school board contracted driver trainer;**
- use of public library facilities;**
- use of public recreation facilities.**

The provision of such services to private schools by public or separate school boards does not appear to be a common practice across Saskatchewan. Only seven of forty-seven directors of education responding to a request for information indicated that their school board provided some form of assistance to private schools. While the number of school boards offering such assistance is not high, it is indicative of a willingness among public and separate school boards within certain communities to work co-operatively with private schools to achieve common educational goals.

It should be noted that private schools can collect full tuition fees from a public or separate board of education should a board elect to purchase educational services for one or more students resident in its jurisdiction from an approved educational agency, which could be a private school. The writer is not aware of any such arrangement presently in existence.

3.10 Sources of Private School Revenue

Most private schools operating in Saskatchewan require a tuition fee payment to help cover the cost of education services provided to pupils by the private school. In addition to tuition fees, in many cases other incidental charges are applied (e.g., registration fees, matriculation fees). Private residential schools also charge for room and board.

Tuition fees vary substantially among Saskatchewan private elementary schools, with some charging as low as \$660 per school year for one elementary school child, and others charging almost four times that amount, or \$2,400 per

year. Annual tuition/room and board charges at the private high schools are considerably higher (\$2,500 - \$5,000).

A small number of ACE schools do not charge tuition fees but rather cover the full cost of school operations by utilizing church treasury funds to which it is expected all parishioners will contribute.

All private schools rely on other sources of revenue in addition to tuition fees to generate operating income. These may include: student fees, alumni scholarships, donated income, development income, denominational or church subsidies, and government grants in the case of the nine private high schools.

3.11 Per Pupil Costs in Private Schools

The amount of money expended per pupil on an annual basis varies considerably among Saskatchewan's private schools. Private elementary schools, which do not receive government funds, spend from around \$1,200 to \$2,200 per pupil per year.

The nine private high schools, which all receive government assistance, spend on average considerably more per pupil per year than the other private schools, in the range of \$4,000 to \$8,000 per pupil. This is to be expected given the residential nature of these schools and higher costs associated with secondary education.

In comparison, the annual average per pupil expenditure by public or separate school boards in 1986-87 is projected to be \$4,148.04.

3.12 Regulation of Private Schools

Neither legislation nor regulations provide for any specific or direct control over the operation of private schools in Saskatchewan by way of requiring such schools to be licensed by or registered with the Department of Education.

However, since compulsory school attendance within a certain age range is required by legislation, Departmentally-employed superintendents or locally-employed directors of education must approve a privately operated program of instruction before a private school pupil can be exempted from attendance at a board-controlled public or separate school.

It is important to note, however, that neither legislation nor regulations provide stated criteria which a superintendent or director must employ when determining whether or not to approve a privately operated program of study.

In practice, the regulation of private schools in Saskatchewan ranges from regular, periodic inspection of some private school teachers, programs and facilities, to an absence of any contact whatsoever between some private schools and an external authority.

The nine private high schools which receive public funds are monitored regularly by an external education authority (e.g., a director of education employed by a division school board) with whom the private school has contracted for the provision of inspection services.

Supervisory practices respecting the other thirty-seven private schools vary from regular, periodic inspection to little or no contact whatsoever.

In the words of one director, "I pay one or two visits a year to the _____ school. This is more or less a courtesy visit than anything else. I do not inspect or assess. The principal of the school, at the outset, indicated that since their school is a private school he would determine the parameters of my visit." Another director has stated, "... we do not inspect, assess and report on private schools in our jurisdiction."

The reasons provided by private school principals and directors of education for this lack of inspection can be summarized as follows:

1. The Department of Education no longer employs superintendents with duties to inspect private schools. Consequently, even though certain private schools would welcome such supervision, it is not forthcoming, due to lack of manpower.
2. Locally-employed directors of education are frequently very reluctant to impose a supervisory/regulatory role upon a private school. This is very understandable. Directors are employees of a school board. They are not employees or agents of the Department of Education. Consequently they do not feel comfortable exercising a supervisory role over private schools which have no relation whatsoever to the director's employer.
3. Directors of education feel they are not provided with clear legislative or Department guidelines to assist them in determining if a private school program

should or should not be approved. This is particularly the case respecting Accelerated Christian Education schools which do not follow the Department of Education curriculum.

For these reasons, certain private schools are presently operating in the Province of Saskatchewan with no supervision, either from the Department of Education or from the local director of education. Consequently, some private schools' programs have not received formal approval as required by The Education Act. Without this approval, all children attending these private schools are technically in violation of the attendance provisions of the Education Act.

In conclusion, certain private schools are presently operating in a supervisory vacuum. For all intensive purposes they are accountable to no one but themselves. No satisfactory mechanism presently exists to ensure that the legitimate interests of the state in these private schools are being satisfied.

3.13 Taxation of Private School Property

In 1986, private schools, or their parent organizations, paid a total of \$208,954 in school taxes and municipal taxes. At the same time, by means of private Acts or discretionary exemptions granted by municipalities, private schools were exempted from paying \$683,982 in school and municipal taxes (see Appendix B).

Of forty-six private schools operating in Saskatchewan in 1986:³

- six private schools paid full school and municipal taxes;
- eight private schools were totally exempt by Private Members Bills of the Saskatchewan Legislature;
- ten schools were exempt partially or totally by municipal councils;
- fifteen schools were partially or totally exempt on the basis that the schools were located in church buildings;
- seven other private schools had exemptions based on a variety of reasons.

If all private schools were exempt from school and municipal property taxation, the total municipal revenue foregone would increase by approximately \$209,000.

At present, there is no rational approach to the taxation of private school property in Saskatchewan. This is best demonstrated by noting that for Seventh-Day Adventist schools: one school is exempt from taxation through a Private Members Bill, another is provided partial exemption by its municipal government, another total exemption by its municipal government, others total

³ The Taxation of Private Schools in Saskatchewan, Department of Urban Affairs, December, 1984.

or partial exemption by virtue of being located in a church building, while another school pays full municipal and school taxes with no exemptions.

The situation is further complicated in that some municipal governments grant exemption from property taxation if the school is located in a church building, while other municipal governments press forward with taxation given similar circumstances, even though up to ten acres of land and buildings used as a place of worship is exempt from taxation under the Urban Municipalities Act.

Parent groups in Regina and Saskatoon have refused to pay recently levied property taxes pertaining to their private schools and are at present challenging such taxation.

4. Should Private Schools Be Permitted to Operate in Saskatchewan?

Private schools presently have an implicit statutory right to exist in Saskatchewan (Education Act, Sec. 156.[a]). This review is of the opinion that private schools also, and more importantly, have a fundamental right to exist pursuant to various provisions of The Canadian Charter of Rights and Freedoms. Cogent arguments in favour of this position have been ably advanced elsewhere, and the reader is referred to A Study of Private Schools in Alberta,⁴ The Report of The Commission on Private Schools In Ontario,⁵ and The Right to Religious Education and the Constitutional Status of Denominational Schools.⁶

That private schools have a legal right to provide education in Canada is consistent with the practice in all western democratic countries which place a high value on the exercise of personal and religious freedom and which subscribe to the fundamental notion that parents have a prior right to choose the type of education they wish for their children.

Although international declarations are not considered binding in Canadian courts, such declarations are morally suasive. Parental education rights are

⁴ Woods Gordon, A Study of Private Schools in Alberta, Edmonton, Alberta, December, 1984.

⁵ The Report of the Commission on Private Schools in Ontario, Toronto, Ontario, 1985.

⁶ Brent, A. S., "The Right to Religious Education and the Constitutional Status of Denominational Schools," The Saskatchewan Law Review, Vol. 40, 1975-76.

explicitly stated in the United Nations Universal Declaration of Human Rights, Article 26:3, which states, "Parents have a prior right to choose the kinds of education that shall be given to their children".⁷

The reader is further referred to the First Protocol to the European Convention on Human Rights, 1950, which states, "In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."⁸

Recognition of this parental freedom of choice is a fundamental tenet of education policy in the western world. The importance of this value is further underscored when one notes that although there are western countries (e.g., United States) which permit private schools but do not publicly fund such, most western countries provide substantial public funding to private schools, in some cases on a par with that given to public schools.

Various indicators of public opinion would suggest that Canadian and Saskatchewan residents support the notion of private schooling for children whose parents so choose. For example, two different 1984 public opinion surveys in Alberta indicated the majority of respondents felt private schools should be allowed to operate in Alberta.⁹ There is no substantive reason to believe the results of such a survey would be any different in Saskatchewan.

⁷ Dolmage, W. R., Public Funding of Parochial Schools: The Supporting Arguments, University of Saskatchewan, Saskatoon, 1987, p. 14.

⁸ Ibid., p. 14.

⁹ Woods Gordon, Op. Cit., p. 16.

In addition, neither the SSTA, the STF, or LEADS officials suggest that private schools should not be permitted to operate in Saskatchewan. While a handful of directors of education expressed this opinion, the great majority of such educators did not express opposition to the existence of private schools in Saskatchewan.

Critics of private schools argue that such schools in some cases are educationally sub-standard, or undemocratic (e.g., elitist, promote intolerance), or threaten the well-being of the public school system, and therefore should not be permitted to exist.

The argument that Saskatchewan private schools in general offer education below minimum standards cannot be sustained. In the opinion of this review, children attending these schools are generally receiving an adequate, and in many cases, above adequate level of education. There is little argument that private schools are not doing a commendable job of teaching basic reading, writing and computational skills. For example, according to test result information provided by private school officials, students in Seventh-Day Adventist or ACE schools scored at or above most national or Saskatchewan norms for achievement on the Canadian Test of Basic Skills which is administered annually in most private schools.

While the significance of such test results should not be overestimated, they can and should be used for comparative purposes as a legitimate benchmark

against which parents and the public can make judgments concerning quality of education, in the same way such test results are used in the case of public school students.

Private schools also do a commendable job of instilling traditional values of hard work, honesty, respect, decency, and obedience in their students. This, of course, should not be surprising since most private school administrators and parents place a high priority on character development as a goal of their school program.

While private school pupils are in general receiving an adequate education respecting basic skill and character development, the greatest perceived weakness of private schooling in Saskatchewan is a lack of opportunity for children to be exposed to a broad range of learning experiences, largely due to a shortage (in some cases an appalling lack) of basic learning materials (library books, science and computer equipment, reference books, art and physical education materials).

This deficiency is generally due to private school parents and organizations not possessing the financial wherewithal to purchase additional education resources, something which private school officials unanimously indicated a desire to do if financing were available. In a few cases, this lack of broad learning opportunity may be a function of both financial weakness and inadequate teacher qualifications.

Although most Saskatchewan private schools do not possess facilities and resources comparable in quality to public education, there are notable

exceptions. For example, two ACE schools visited in the course of this review possess physical education facilities superior to many public elementary schools.

Mention must also be made of two other important observations. In many private elementary schools regular, sometimes daily, participation by all students in music activities is very common. For example, in Seventh-Day Adventist schools all pupils must participate in either a school choir or school band.

It was also evident that private schools strive to maintain close family-community school ties. Such relationships are often necessary for the continued operation of the school (e.g., parents participating in fund-raising activities). Skilled parents and community personnel are often utilized in direct teaching functions (e.g., Band, Home Economics, French, Carpentry).

There is no evidence upon which to base a conclusion that Saskatchewan's private schools are elitist, promote undemocratic values, or threaten the health of the public school system. Most public schools in Saskatchewan provide a greater variety of program offerings utilizing more and higher quality equipment and resources than are found in Saskatchewan's private schools. Children attending private schools come from disparate socio-economic backgrounds comparable to those found in public schools. While private schools visited were not equipped to take physically handicapped children, it was evident that in various private schools slow learner/disadvantaged children were being schooled. In some instances private school principals spoke of children being

successfully educated in the private school environment who could not cope or achieve in the public school system.

According to Wilkinson,¹⁰ educational research on elitism and schooling in the United States suggests that the availability of private schools to poorer people may counter the elitism of public schools in wealthy neighbourhoods. Wilkinson notes, "The achievement of students from advantaged and disadvantaged backgrounds tends to converge over time in the private Roman Catholic schools, whereas it tends to diverge in public schools (Coleman, Heffer, and Kilgore, 1982). Such research also consistently indicates that, contrary to some charges that private schools increase intolerance and weaken social integration, students in and graduates from independent (generally Christian) schools have less prejudice against minority groups than do their counterparts from the public school system".¹¹

Finally, it should be noted that in 1987, private school enrollments accounted for only 1.6 per cent of public and separate school enrollment. It is thus difficult to believe the operation of private schools in Saskatchewan in any way jeopardizes the viability of the province's public school system.

¹⁰ Wilkinson, B. W., Elementary and Secondary Education Policy in Canada, University of Alberta, 1986.

¹¹ Ibid., p. 47-48.

Conclusions

There is no appropriate reason to prohibit the operation of private schools in Saskatchewan, assuming legitimate state interests in efficient instruction are being satisfied. Private schools are an integral element of democratic life in Saskatchewan. They are, for the most part, an expression of religious belief and are safeguarded by constitutional law. While their philosophy and pedagogy may not always accord with the majoritarian views of the public, or with the educational establishment, in general Saskatchewan private schools meet reasonable tests of satisfactory instruction and should be permitted to continue to operate.

Recommendation

1. Private schools be permitted to continue to operate in Saskatchewan.

5. Should Saskatchewan Private Schools be Regulated by the Provincial Government?

If So, What Controls Should Be Imposed and by What Means?

Canadian society has for generations accepted the notion that while parents may possess a natural prior right to educate their offspring in accordance with their own religious and philosophical convictions, the state has an equally important right to ensure that the common good of all its citizens is maintained. Because an educated citizenry is fundamental in the mind of society to maintaining that common good, governments have a compelling interest in the matter of education and have imposed that interest through a variety of laws and regulations.

In deciding the case of *R. v. Jones*, the Supreme Court of Canada has recently reaffirmed the compelling interest of provincial governments in the education of young citizens by quoting the following statements of the United States Supreme Court in the famous desegregation case of *Brown v. Board of Education of Topeka*:

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the

armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.¹²

Until *R. v. Jones*, the question of whether or not provincial governments had the constitutional right to control or regulate private schools (in particular private religious schools) was somewhat uncertain, in light of the new Canadian Charter of Rights and Freedoms.

However, the Court's decision makes clear that provincial governments do possess the constitutional right to regulate private schools. In particular, the Court found that the government, provided it acts fairly and unarbitrarily, may lawfully require approval of a private school by public education authorities, before attendance at such a school excuses a student from attending a public, board-controlled school.¹³

Present Saskatchewan law requires that a director or superintendent approve a private school program of study in order to exempt a child from attendance at a board-controlled school, and in light of *R. v. Jones* it would appear that this law would meet constitutional tests. However, this legislation, if maintained, will continue to be a most impractical and divisive means for the Saskatchewan

¹² Beriault, L., "R. v. Jones: Implications for Saskatchewan," The School Trustee, April, 1987, p. 3.

¹³ Ibid.

government to ensure that society's legitimate interest in the satisfactory instruction of all children has been met.

In the first place, many locally-employed directors of education have expressed their opposition to a regulatory mechanism which requires that they assume a pro-active, judgmental role vis-a-vis private schools. This is not surprising, since it could be very divisive in a local community for a director of education to not grant approval of a particular private school program. In addition, the present law provides no stated criteria or guidelines to be followed when evaluating a private school program for purposes of approval or disapproval. Finally, directors of education are not provincial government agents but rather employees of public boards of education, with responsibility to manage local public schools, not private schools.

As well, private school officials are quick to point out that on occasion both local directors and department superintendents may harbour personal bias against private schooling in general, or against a certain type of private school in particular. To require such a person to act as police, prosecutor, jury and judge when it comes to approving or disapproving a private school program is simply not prudent, particularly since The Education Act does not specify any appeal mechanism should the private school feel it has been improperly or unfairly judged.

How then can the Province's legitimate interest in the educational welfare of private school pupils be assured?

It would appear that Saskatchewan is in need of a private school regulatory mechanism which places the onus for inspection upon Department of Education officials, specifies criteria to be used when inspecting private schools, does not compel locally-employed Directors of Education to inspect private schools, places the burden of proof upon the Department of Education to persuade a competent third-party tribunal or court that a particular private school does not meet the test of satisfactory instruction and requires private schools to provide the Department with the necessary statistical and identifying information respecting the private school and its pupils.

"Satisfactory Instruction" Criteria

In order to ensure that private school inspections are conducted in an objective fashion and the same evaluation criteria are applied to all inspections, it is necessary that criteria defining "satisfactory instruction" be spelled out in The Education Act, thus providing standardized guidelines for private school inspections. Such definition would help to ensure that the state's legitimate interest in education is being met and would also reduce the likelihood of improper or capricious evaluations.

It seems reasonable that private schools should be required to use English or French as the first language of instruction, provide education for the same amount of time as students receive in public schools, and satisfy building codes and health and safety regulations.

The question of whether or not private schools should be compelled to employ state certified teachers in order to ensure satisfactory instruction is not as straight forward.

A significant number of private schools presently hire department certified teachers. Other private schools do not. They argue that competent instruction is not necessarily a function of certification, that satisfactory instruction is presently being provided by non-certified teachers, and that the salient criterion is not certification or non-certification of teachers, but rather the performance of the private school pupil at any stage of his or her education.

However, the issue is not so simple. It is true that in certain instances some individuals without formalized teacher training may provide very adequate instruction. They may possess a seemingly innate gift for teaching, not unlike the accomplished musician who plays by ear without formal instruction. Such a teacher, dedicated to his or her charges and disposed to self-improvement as a practitioner, can certainly be an asset to a child's education.

Others without formalized training in pedagogy, but with a sufficiently strong academic background in certain disciplines (e.g., music, art, history, mathematics, science, physical education), a love for children, ability to manage a classroom, and a willingness to learn, may also provide effective instruction. (It should be noted that at present, Saskatchewan public school boards are permitted to hire non-certified teachers in exceptional circumstances. In such cases a probationary certificate is granted by the Department to the teacher at the request of a school board.)

Nevertheless, it is not unrealistic to assume that, in general, and taking into account exceptions such as those mentioned above, an extended period of professional teacher training will likely ensure a higher quality of classroom instruction and student performance than otherwise might be expected.

Modern teacher training places a strong emphasis on academic preparedness, pedagogic technique, an understanding of child growth and development, and perhaps most important, a teaching internship experience where prospective teachers are evaluated under the watchful eye of seasoned professionals as to their fitness for a career in teaching. Prospective teachers who have difficulty managing children, who do not apply or learn basic teaching techniques, who lack necessary communication skills, or who have serious personality problems are commonly screened out as prospective educators.

Since society has a legitimate interest in the delivery of adequate education for all children, and since it is not unrealistic to assume that the process of teacher preparation and consequent certification is an appropriate means to ensure adequate instruction, it is reasonable to conclude that all private schools should be required to employ only certified teachers, or those qualified individuals who would meet the tests of reasonable exceptions to this certification requirement.

Exceptions should be granted on religious grounds when it can be established that the beliefs or traditional practices of a religious sect may be violated by the imposition of state certification of all private school teachers. Such may be the case with certain Mennonite private schools in Saskatchewan.

This review therefore concludes that all private schools should be required to employ certified teachers, recognizing that in some cases exceptions to this requirement are appropriate.

However, while the state has a compelling interest to see that adequate instruction is offered in private schools, and therefore can justify the compulsory employment of certified teachers, it would be unreasonable to expect that all private schools should also be compelled to teach the same curriculum as that taught in public schools.

To assume that the Department of Education knows best what all children should be taught, how they should be taught it and when it should be taught is to wrongly assume that individual parent groups are not sufficiently capable to make such judgments for themselves. Such an over-bearing statism is not healthy for democracy and violates those very principles inherent in the right to establish a private school.

A private school is, by very definition, a different school. As long as its differences do not threaten the public good there are no grounds to argue that private schools should teach exactly what is taught in public schools.

It should be noted that for years now the Department of Education has approved modifications to its curriculum in various private schools (e.g., Seventh-Day Adventist).

Society has a right to expect that all children, whether schooled in private or public settings, will be able to effectively function in a society dependent upon skills and information imparted in its schools. It does not follow, however, that private schools should be required to adhere to the particulars of content, scope and sequence as outlined in the Department of Education curriculum to ensure that society's compelling interest in the satisfactory education of private school children is being met.

Society need only be concerned that private school students are receiving satisfactory learning experiences in those content and skill areas which the government deems to be critical for the on-going, efficient functioning of society. Thus we would expect that private school students receive education in the compulsory areas of: language development, reading, mathematics, science, social studies, health, physical education and the arts.

While these studies need not be offered in the form prescribed by the Department's curriculum, it is reasonable to conclude that private school studies should be compatible with the goals of education for public schools in Saskatchewan, as prescribed by the Department of Education, since these goals are a reflection of what society at large expects for the education of our children. (See Appendix C for a listing of the goals of education as outlined by the Saskatchewan Department of Education.)

It also seems reasonable to argue that private schools should be able to demonstrate learning outcomes comparable to those expected by society from public school students, thus ensuring that private school pupils have been

receiving satisfactory instruction and satisfying the state's compelling interest in education.

In order then to meet the test of satisfactory instruction, the salient criteria to be considered should not be a particular written curriculum, but rather whether the private school is providing instruction in keeping with society's accepted goals for elementary and secondary education, and whether or not the private school pupil is able to demonstrate competent functioning as a student or graduate at a level comparable to that of a public school student or graduate.

Conclusions

1. The Government of Saskatchewan has the constitutional right to regulate the operation of private schools provided it does not act unfairly or arbitrarily, or unreasonably infringes on the right of parents to teach children in accordance with their convictions.
2. The Education Act should be amended to provide a more clearly defined private school regulatory mechanism to ensure satisfactory instruction is being provided in Saskatchewan private schools.
3. In the case of disputes between the Department of Education and a private school, the onus should be upon the Department of Education to prove to a competent, independent third party tribunal or court that satisfactory instruction is not being provided.

4. The Education Act should be amended to provide criteria to be considered when determining whether or not satisfactory instruction is being provided in private schools.

5. All private school inspections should be conducted by Department of Education employed superintendents, and not by locally employed directors of education (unless agreed to by contract between a private school board and a public school board).

Recommendations

1. The Department of Education establish a private school inspection branch with duties to regularly inspect the operation of all private schools in the province to ensure that all private schools provide satisfactory instruction as defined in #4.

2. Private schools be required to provide the Department of Education with necessary statistical and pupil identifying information as required by the Minister of Education, such information requirements to be spelled out in regulations. Failure to provide such information shall be an offense. Parents who send their children to a school which refuses to provide this information shall be guilty of an offense. (Information to be required would likely include such items as: location of school, school officers, contact person, pupil identifying information, and pupil achievement information.)

3. In the event of a new private school being established, such school be required to inform the Department of Education and the affected school boards of its intentions to provide education a minimum of three months prior to the start-up of the private school.

4. Private schools be required to provide satisfactory instruction. A private school shall be considered to be providing satisfactory instruction if it:

a. Uses English or French as the first language of instruction

b. Employs teachers who:

- have been granted a teaching certificate recognized by the Department of Education, or
- have taught for ten years or more, or
- have graduated from a recognized post-secondary institution with a minimum of a Bachelor's degree in a field related to elementary or secondary education (e.g., Bachelor of Arts, Bachelor of Music, Bachelor of Science, Bachelor of Religious Education, Bachelor of Physical Education), or possess appropriate non-certified qualifications (e.g., vocational experience, professional experience, special skills), or
- are instructing pupils in a private school sponsored by a religious group whose practices and/or beliefs would be violated by a requirement to hire state certified teachers.

- c. Includes learning experiences in language development, reading, mathematics, literature, social studies, science, health, physical education and the arts, and these learning experiences are compatible with the goals of education as prescribed by the Department of Education, and are appropriate for the age and ability of the students.
 - d. Meets the requirements of the Education Act respecting the number of school days in operation.
 - e. Satisfies all appropriate building codes, public health and safety regulations.
 - f. Demonstrates pupil achievement commensurate with provincial public school norms for pupil achievement based on the use of standardized tests commonly employed to measure pupil achievement in public schools.
5. Any private school presently not meeting the teacher certification requirements listed in 3b. should be required to meet these standards within a period of seven years. (This will permit private school teachers to continue their employment and upgrade their qualifications without substantial disruption to the career of the teacher or present employment patterns of the private school.)
6. A private school shall be deemed to be providing satisfactory instruction unless proved otherwise in accordance with #7 below.

7. The Education Act be amended to provide for the establishment by the Minister, when reasonably requested to do so, of a private School Tribunal to adjudicate disputes arising between any private school and the Private School Inspection Branch of the Department of Education. This Tribunal would be comprised of one person nominated by the Department, one person nominated by the private school, and a chairman agreed to by both parties. The decision of the Tribunal would be appealable to the judicial system. The Tribunal should have the authority to compel the private school or the Department to take any action that is deemed necessary to ensure that the 'satisfactory instruction' provisions of The Education Act were being met.

8. Parents who send their children to a private school which fails to meet the satisfactory instruction provisions of The Education Act shall be guilty of an offense.

6. Should Public Assistance be Provided to Fund Operational/Capital Costs of Private Schools?

If So, To What Extent Should Such Funds Be Granted and Under What Conditions?

The Department of Education presently provides financial assistance in the form of direct operating/capital grants to the nine private high schools in Saskatchewan. Such assistance is not provided to any of the remaining thirty-nine private schools operating at the time of this report.

The issue of a further extension of public funding to Saskatchewan private schools is both complex and controversial.

Public schools are distinctive and uniquely different from private schools in that they are accountable to the public through trustees elected by the citizenry at large and they are universally accessible to the public. Public schools are the means chosen by society to ensure that all children, with no exceptions, will receive adequate education and will have an equal opportunity to that education. The scope of public purpose thus demanded by public schools is such that these schools should represent the priority investment in government funding of education.

However, private schools serve an important public purpose of educating a small but not insignificant number of children, and thus contribute to ensuring the public good through an educated citizenry. Saskatchewan's private schools contribute to a richness and diversity of Saskatchewan education and are a

symbolic and real manifestation of our democratic commitment to freedom of choice and a parental right to choose an education for their children in keeping with the parent's personal philosophical convictions.

At the time full public funding was extended to Saskatchewan's Roman Catholic high schools in the 1960's, the provincial government recognized that to fully fund these schools and to not extend a measure of public funding to the nine private high schools which were instrumental in providing effective secondary education to large numbers of Saskatchewan students, would have been insensitive and discriminatory, and consequently, even though not legally obligated, the provincial government has now for many years provided a per pupil operating grant to these private high schools.

To discontinue this practice now would be divisive in the extreme. Various private high schools, if denied this government assistance, would have to terminate their programs and close their doors due to insufficient funding. Many of these schools invested in capital programs with government encouragement through cost-shared capital grants. Many parents have relied and will continue to rely on these schools to provide a quality education for their children. It is therefore reasonable to conclude that the present funding arrangement has become so institutionalized as to take on the form of a socially binding contract. For this reason the Department of Education should continue its present practice of providing operating and capital assistance to the nine private high schools.

The issue of whether or not present levels of public funding for private high schools should be increased to funding equivalent to that received by public

schools, and whether the remaining thirty-nine private schools (mostly elementary in nature) should receive any public funding is not so readily decided.

The essential arguments opposed to public funding of private schools are as follows. Public support for independent schools jeopardizes and undercuts democratic values and practices by encouraging segregation, inviting intolerance and threatening both equality of and access to educational opportunity by reducing funding for public schools. As well, any major new public funding initiative for private schools would be untimely in light of the present financial constraints facing government. Finally, it is argued that parents, through means of publicly elected trustees, have at their influence a vehicle to effect change within the public school system more in keeping with their philosophy and personal convictions. The public system is not a closed system. It is by its very nature a public system - open to change. Parents dissatisfied with the public system are constitutionally free to independently educate their children, but they should not be granted public funds which should be solely employed to ensure that all children have access to equal and adequate educational opportunity.

In support of an extension of public funding for private schools it is argued that private schools perform a public good - the education of a small but significant number of children. Society is justified in recognizing this contribution to the public good by means of financial supports. As well, because society compels attendance at school, and also permits parents to meet this legal obligation through private schooling, and because parents have a right to such schooling options, government should not thwart the exercise of this right by not providing

public funds to parents who would choose private schooling but can't afford it, or who make tremendous financial sacrifice to exercise their right, a sacrifice which other parents need not make who possess adequate financial means, or who send their children to public schools.

It is also argued that public funding for private schools is in society's best interest because it ensures that children in private schools will receive an education equal to that of public school children, thus benefiting society. At present, many private schools lack basic materials and resources to provide as broad an education as in public schools.

Finally it is argued that refusal to provide equal public funding to all religious schools which the state permits to function constitutes religious discrimination as defined by The Canadian Charter of Rights and Freedoms.

The argument that private schools inadvertently or otherwise may invite intolerance, misunderstanding and prejudice does, on the surface, appear plausible because public schools, simply by virtue of a great mixture of student groupings, are more able to provide a common acculturation experience and lessen prejudices and tensions which may be precipitated through segregation. However, this plausibility may be more of an assumption than a factual reality, in light of the research cited earlier in this report.

It must also be noted that for many years various private schools in certain provinces have received public funding ranging from up to 85% in Quebec, 75% in Alberta, 57% in Saskatchewan, 35% in British Columbia, and 20% in Manitoba. These substantial levels of public funding for private schools, for

some period of time now, do not appear to have contributed to a lessening of commitment among our citizens to commonly held democratic values. On the contrary, Canadians seem to be embracing more vigorously than ever such ideals as multi-culturalism and its inherent toleration of others.

It is difficult to agree with the position that public funding of private schools has over time undercut government commitments to public school funding. According to Wilkinson, total government spending in Canada from 1970 to 1985 for elementary and secondary education more than quadrupled (even though the cost of living only tripled and school enrollment significantly declined during this period).¹⁴

Here in Saskatchewan total operating grants to public schools increased from \$96 million in 1974 to \$328 million in 1986, even though enrollments fell from approximately 216,000 to 191,000.

There are those who may argue, however, that the public school system is presently underfunded, and will continue to be so as enrollments increase due to natural demographic changes in the future, and since public schools should be the priority focus of public spending for education, there can be no justification for increasing public spending on private schooling, even if a legitimate case of discrimination against private school parents exists. The greater public good of maintaining a public school system should take precedence over the lesser public good of supporting parents to send their children to private schools.

¹⁴ Wilkinson, Op. Cit., p. 3.

However, this argument does lack some merit when one notes that even if full public funding were extended to all Saskatchewan private schools (the nine private high schools are only partially funded), such funding would still amount to an extremely small percentage of the total public spending on education.

As well, given the nature of the education process, where every educational dollar is fully spent each year, it is natural that the public school community will see itself as never having sufficiently adequate resources to do the job. While in theory, and possibly in practice, this may arguably be the case, the argument is problematic since one has difficulty conceiving of a situation where a person would not always be calling for more dollars to be spent on public education because a more effective job can always be done, and thus forever "freezing out" any competing claim for public funding of private schools (for who could definitively say that at this point in time no further funds will be needed for public education?).

Thus, by way of analogy, just as governments must give attention to competing demands for public dollars to be spent on health care and highway construction and divide the public dollar according to social need, governments must also pay attention to the legitimate competing demands for public dollars to be spent on public and private education and divide the public dollar in accordance with the public good defined in terms of an adequate, effective, equal opportunity public education system on one hand and legitimate recognition and fairness of treatment for private education on the other hand.

It is conceivable that the provision of additional funds to private schools, although modest in amount, if sufficient in size could result in some immediate shift in enrollment from public to private schools and to some continued shift over time as certain parents, dissatisfied for whatever reasons with public education, established greater numbers of private schools in light of the now available public assistance.

The question is whether or not this shift of enrollment would be large enough to threaten the well-being of the public education system, thus endangering equality of education opportunity for some pupils in certain parts of the school system since, it is argued, trustees may be forced to close schools, reduce staff, increase multi-graded classrooms and pupil/teacher ratios and offer fewer programs for students - because public enrollments have declined as students have left for private schools and the public school board has consequently received fewer government dollars with which to fund its programs.

It is difficult to predict the degree to which enrollments may or may not shift if additional monies were granted to private schools. Any such enrollment shift would be dependent upon a variety of factors, not the least of which would be the amount of funds being made available to private schools and the degree to which those funds could offset tuition costs to parents. However, even with full public-funding of private schools it is highly unlikely that any shift would be very significant using provincial enrollments in total.

The greatest growth in private school enrollment in recent years has been at the elementary school level in private schools operated by conservative Protestant groups such as Mennonite, Seventh-Day Adventist, Baptist, Pentecostal, Full

Gospel, Independent, or in schools operated by non-profit societies whose school philosophy and program would appeal to families of a more conservative Protestant persuasion.

Canadian sociologist, Reginald Bibby, in his recent exhaustive survey of religious practice in Canada has estimated that no more than six per cent of Canadians can be categorized as Conservative Protestants.¹⁵ It would thus appear that the pool from which private schools presently attract the majority of their students is a relatively small proportion of the population as a whole. While this population group is growing, it is not increasing its percentage of the expanding population, according to Bibby.

It is therefore unlikely that an increase in public funding to private schooling in Saskatchewan will result in any substantial shift of enrollments from public to private schools. This equation may change however, should a new sociological grouping develop a dissatisfaction with public schools to the extent that it would choose to support a private school option. While other than conservative Protestant parents do send their children to private schools, this group would appear at present to be the only statistically significant group so doing. There does not appear to be any new grouping of society presently in formation of which a significant segment might have similar positive aspirations in favor of private schooling.

¹⁵ Bibby, R. W., Fragmented Gods - The Poverty and Potential of Religion in Canada. Irwin publishing, Toronto, 1987, p. 27.

It must also be noted that due to a natural demographic change as a result of the large pool of baby-boom offspring now reaching school ages, it is projected that public school enrollments will experience a natural increase in the years ahead. In large urban centres this natural enrollment increase will likely be further augmented by the effect of continued urbanization.

It is thus more reasonable to conclude that any increase in public funding to private schools, sufficient in size to induce parents to transfer their children from public to private schools, will likely not result in reduced public school enrollments, but rather would result in a modestly smaller increase in the overall expected growth of public school enrollments in the province. Given such a scenario, government funds directed to public education would still increase, since the provincial government funds public schools on a per pupil basis.

However, the picture could change when we move from the macro provincial level to the micro school division level, particularly the small rural school division. At this level, it is argued any extension of public funding which induces parents to make enrollment changes from public to private schools may have significant impacts upon the quality of education that some children in that school division would receive. Even a modest shift of twenty pupils (a half-dozen families) in one community could ostensibly result in some of the following effects: small school closure and amalgamation with a larger school, longer bus rides, more multi-graded classrooms, increased pupil/teacher ratio, reduction of special programs for the gifted or handicapped, fewer up-to-date materials and resources.

Such outcomes may not be exaggerated and are worthy of consideration, especially in the case of a rural school division which for reason of the financial health of the area is not willing to impose increased education taxation to make up for any of the lost government-funded grant monies which are no longer available due to the transfer of twenty students to a private school. (At projected 1987 grant levels, if twenty Division III pupils were transferred, the school board in question would lose approximately \$50,000 in revenue, no insignificant loss for a small rural school division).

The possible negative implications attached to the above scenario are further highlighted when one considers that small rural school divisions will likely not have the luxury of making up lost revenue through natural population increase or urbanization trends, as will urban school boards. Thus, it is argued that one could conceivably see a lessening of education quality in rural school divisions vis-a-vis urban counterparts if inducement public funding were provided to parents who sent their children to private schools.

It is difficult to assess the validity of these legitimate concerns. For some decades now, rural school divisions have experienced enrollment declines from time to time and have had to adjust their programs accordingly. As well, at present, the Department of Education, by means of a sparsity factor included in grant calculations for rural school divisions, does partially take into account the impact of declining public school enrollments.

However, if public school enrollments did happen to decline in a small rural school division due to the establishment of a private school, in part because of government funding, and if the public board felt obligated to retrench its

programming as a consequence, it is not inconceivable that considerable social tension and community fragmentation could occur, as public school parents blame private school parents for a perceived, if not real, reduction in the quality of public school education in that community.

In the opinion of this review, such a possibility of program retrenchment in the small rural school division, and the attendant community friction which could follow, as well as a possible lessening in equality of educational opportunity in that school division vis a vis other school divisions, should give cause to question the desirability of any significant extension of public funding for private schools.

It must be noted however, that present full funding of Roman Catholic schools when compared with a lesser level of public funding for other religious schools which offer satisfactory instruction, may, in the eyes of the courts, be seen to be unconstitutional, and thus supercede any of the concerns delineated in preceding paragraphs regarding the impact of greater public funding of private schools.

However, until such time as the courts may rule on the constitutionality of present funding arrangements, in the opinion of this review it would not be prudent to proceed with a major public funding initiative for private schools.

As well, the rather obvious present difficulties facing the provincial government treasury must be considered. With the government forced to deficit finance and restrain spending on social programs deemed important by the public, many

would argue it would be very untimely to extend public funding in a major way to private schools during an era of such restraint.

There is, however, in the opinion of this review, a persuasive case that can be made for a modest degree of public funding to private schools, which will not in itself be sufficient to act as an inducement for parents to remove children from the public school system, but which would assist private schools in the provision of a more well-rounded educational experience than is presently possible.

Many private schools suffer from a shortage (in some cases a severe lack) of certain basic educational resources and instructional materials, whether these be textbooks, physical education equipment, library resources, science equipment, even a single school computer. To assist all private schools, which meet the test of providing satisfactory instruction as earlier defined in this report, with a very modest annual materials/equipment grant would not endanger the integrity of the public school system, would in a small, but important way, recognize the public good of private schools, and would assist these schools to offer a more balanced educational experience.

However, any such assistance should not reduce present levels of funding, or any projected increases in funding for public schools and should only be implemented in a timely way, keeping in mind the fiscal restraint environment in which the government treasury must operate.

A separate but related argument advanced by the proponents of public funding for private schools is that private school parents are faced with "double", hence discriminatory taxation. They must pay tuition fees to educate their child in the

school of their choice, but they must also pay property taxes to fund public education. This discrimination would be rectified if parents were able to direct the education portion of their property tax to support the school of their choice, a private school.

While this argument no doubt has suasion with the private school parent who is paying both the tax and the tuition, it is without merit in the opinion of this review. It should be obvious that a tuition charge cannot be equated with a tax levy. The real question is whether or not the private school parent should be called upon to help fund a public school system in which his/her child is not enrolled. The education tax represents a general levy which society has deemed essential to ensuring a common good, that being an educated citizenry. Private school parents have a compelling interest, as do public school parents, couples with no children, and parents whose children are past school age, in seeing that all children receive an adequate education. The common good of all justifies a common tax levy from which no one should be able to opt out.

Conclusions

In the opinion of this review the Department of Education should continue its present program of financial assistance to the nine private high schools, but this level of assistance should not appreciate in the future in any amount greater than that experienced by the public school system.

Direct operating/capital grant dollars from the public treasury to cover operating costs (e.g., teacher salaries) should not be extended to any private school

beyond that presently offered to the nine private high schools. (However, should a tenth private high school commence operation in the province, and meet the same criteria as are presently applied to the nine existing private high schools, it would be difficult to justify withholding public funds to support such a school.)

A modest materials/equipment grant should be offered to those private schools not presently receiving any government assistance, but these funds should not deplete any revenues presently directed toward, or likely to be directed toward, public schooling, and should only be offered at an appropriate time in light of fiscal restraints.

Recommendations

1. The Department of Education continue providing operating/capital grant assistance to the nine private high schools presently operating in the province, but should not extend operating/capital grant assistance to any private school presently not receiving such assistance.

2. As funds are available, and without depleting resources directed towards public schooling, the Department of Education provide a small annual materials/equipment grant to all private schools lawfully operating in the province, and presently not receiving public funding, to assist with the purchase of needed educational materials and equipment, such grant to be calculated on a per pupil basis. (An average per pupil amount of \$50 annually would satisfy the concerns of this review in terms of maintaining the integrity of the public

school system while at the same time providing an appropriate level of assistance with which to upgrade education resources in private schools. By way of comparison, the cost of supplies and equipment in the public school system in 1986 was projected to be \$200.48 per pupil. An annual grant of \$50 dollars per pupil would provide the average private school with annual assistance of approximately \$1,200 with which to purchase materials/equipment.)

7. Should Municipal Governments Be Permitted to Tax Private School Property?

The critical question to be addressed in this section is whether or not municipal governments should be permitted to levy a tax against land and buildings used for private education purposes, as is presently occurring in various Saskatchewan municipalities.

Since the cost of such a tax burden is in part paid using private school tuition fees charged to the parent, and since most of the private schools in Saskatchewan paying property tax are religious in nature, and since many parents choose the private school option for their children out of a religious conviction, it is difficult to reach any other conclusion but the following: if some parents send their children to private religious schools and help to pay property taxes through their tuition fees, while other parents who send their children to different private religious schools do not through their tuition fee pay property taxes because the private school has been legally exempted from paying such taxes, then clearly, some parents have been forced to assume an unfair burden of taxation as a consequence of the exercise of their religious convictions. If such a case exists, then it is clearly discriminatory in the opinion of this review.

There is no doubt the situation described above exists in Saskatchewan. Various private religious school properties are being taxed. Others are not (see Appendix B). Consequently, one can reach no other conclusion but that discrimination exists.

In the opinion of this review there is no sound reason to support such discrimination. Arguments that municipal councils need the tax revenue (and well they might), or that the loss of tax revenue may make it difficult for a small rural school division to maintain its full complement of public schools, are not of sufficient weight to supercede the fundamental principle of fairness.

It could be argued that all private schools would have been fairly dealt with if each municipal government were free to make the choice to tax or not to tax. That, however, is not the case. The provincial legislature has chosen, by means of Private Members Bills, to exempt certain private religious schools from taxation. Other private schools have unsuccessfully attempted to secure similar exemptions.

An additional consideration is whether or not it is appropriate for the function of schooling to be taxed at all (irrespective of the religious discrimination issue), because by permitting the taxation of private schools the government is in essence permitting the taxation of the schooling function, or more important, is permitting the penalization of those persons, by means of taxation, who choose certain types of schooling functions, but not others. It is important to note here that public and separate school board properties are not taxed.

However, since the government compels attendance at school, and since it permits parents to choose private schools over public schools to fulfill this attendance requirement, this "right to choose" would seem to be something less than a full right if it means that the exercise of one parent's right will cost that parent more than someone else, because of the effect of discriminatory taxation.

It seems clear that if the provincial government permits private schools to operate, and if these schools meet the test of satisfactory instruction as defined earlier in this review, then there is no legitimate reason for the government to permit some private schools and their supporting parents to shoulder a discriminatory tax burden.

This conclusion is in keeping with the practice followed in various other provincial jurisdictions.¹⁶

In Alberta, any non-profit educational organization may apply to the Minister of Municipal Affairs for an order declaring its property to be tax exempt if the organization owns the property and the property is used chiefly for educational purposes.

Assessment is also exempt on any parcel of land held by or for the use of a religious body on which is situated a building used chiefly for religious education. The limit on this exemption is one-half acre in cities and four acres elsewhere.

In Manitoba, every private school (including buildings and land to the extent of four acres but not exceeding 10 acres used in connection therewith) which meets the requirements of The School Attendance Act is exempt from assessment. Buildings and land (maximum of 2 acres) used for Sunday School purposes is also exempt.

¹⁶The Taxation of Private Schools in Saskatchewan, Op. Cit. p. 7.

In British Columbia, every building (and the land on which the building stands and lands surrounding the building as may be determined by council) of any incorporated institution which gives children instruction accepted as equivalent to that provided in a public school is exempt from taxation.

In Ontario, buildings and grounds (not exceeding 50 acres) used by a private school (with approved curriculum and qualified instructors) for educational purposes is exempt from taxation.

Conclusion

This review is of the opinion that some Saskatchewan parents are being unfairly discriminated against by virtue of municipal taxation of private school property and that such discrimination should be swiftly corrected by action of the provincial government. The most appropriate means to correct this injustice would be for the provincial government to prohibit the taxation of private school property used for educational purposes. The only other possible means of correcting the discrimination would be to repeal all Private Members Bills granting special tax exemptions and permit each municipality to deal with private schools in its jurisdiction as it sees fit, or to permit every private school in the province to enjoy the special status of tax exemption by means of a Private Members Bill. Neither of these two suggestions are realistic.

While the recommendation which follows will undoubtedly be opposed by local governments, it is the only realistic means by which a blatant property tax discrimination can be corrected.

Recommendation

The Urban Municipality Act be amended to exempt from property taxation any property (land or buildings) owned or used primarily by a nonprofit corporation, including church or religious organization, for the purpose of delivering education services which parents may lawfully choose for their children to fulfill attendance requirements under the Education Act.

This amendment should also provide for the retroactive exemption from taxes levied, but not yet collected.

8. Should Home Schooling Be Permitted In Saskatchewan?

If So Under What Conditions?

It is difficult to accurately estimate the number of Saskatchewan children who are receiving their education at home under the tutelage of their parent or guardian or some other person.

In British Columbia the number of home schooling families is estimated at up to 2,000.¹⁷ Representatives from the Alberta home schooling movement indicate that as many as 3,000 to 5,000 children may be home schooled in that province, with a very conservative estimate of 1,000 home schoolers, based on the number of actual known home school families.

However, home school representatives point out that a large number of families do not wish to publicly identify themselves for various reasons as home schoolers, and therefore, the number of Alberta home schooled children is likely well in excess of 1,000.

According to representatives from the Saskatchewan home school movement, organized home schooling is not as advanced in this province as in Alberta, and given a smaller population, the number of children home schooled in Saskatchewan will be considerably fewer. However, it is clear that a significant number of children are being home schooled in Saskatchewan. Representatives from the Southwest Saskatchewan Association for Home-

¹⁷ Alberta Report, August 10, 1987, p. 30.

Based Education indicate that in their region, centered around Swift Current, there are forty to fifty families home schooling their children. It is quite possible that in excess of 500 and as many as 1,000 Saskatchewan children may be receiving their education in a home school setting.

In the opinion of this review there is no sound reason in principle to prohibit a parent, guardian or other person from providing education to a child at home or elsewhere. While it is conceivable that in some instances (e.g., due to prolonged lack of social interaction) a child may be more harmed than helped by home schooling, such a possibility is not sufficient warrant to discourage or prohibit parents from home-schooling their children, if they so choose.

Canadian society, along with other western democracies, has recognized the right of parents to exercise their freedom of conscience and freedom of religion in respect of their children's education and permitted parents to choose private schooling or home schooling as legally sanctioned options.

Here in Saskatchewan home schooling is permissible under Sec 156 (a) of The Education Act which reads, "A pupil may be exempted from attendance at a school, and no parent, guardian or other person shall be liable to any penalty imposed by this Act, where: (a) the pupil is under a program of instruction approved by the director or superintendent at home or elsewhere."

Any attempt to legislatively prohibit home schooling in Saskatchewan would undoubtedly be struck down under the freedom of conscience and freedom of religion defences granted by The Canadian Charter of Rights and Freedoms.

The arguments in support of home schooling are identical to those principles cited in support of private schooling found in Chapter 4 of this review. Suffice it to say that the state's compelling interest is in ensuring an educated citizenry. Whether children are educated in public schools, in private schools, or in homes is immaterial to the state's legitimate interest in education.

The state, however, does have a legitimate interest in ensuring that children schooled in any of these environments are provided satisfactory instruction. However, present Saskatchewan law, which simply requires a director or superintendent to "approve" a home schooling program, permits a multitude of regulatory approaches to home schooling across the province, some which may not sufficiently meet the test of satisfying the state's compelling interests. This review is of the opinion that the present regulatory environment for home schooling in Saskatchewan is not adequate to ensure that satisfactory instruction is being provided at home schooling sites in the province.

This is not to say that inadequate education is necessarily being provided at various home school sites. It does mean, however, that the absence of any specific, standardized, regulatory requirements concerning home schooling would definitely permit the possibility of a lower than adequate quality and efficiency of education. As well, there appear to be great inequities throughout the province as to the services and materials which may be provided free of charge to home schooling parents.

Some home school sites are visited but once a year by an education official, while in other cases there are regular, monthly visits to ascertain progress and quality of instruction. Most home schoolers participate in some form of school-

board-sponsored standardized achievement testing, although it is not clear that all students do. Some Divisions provide home schoolers with free textbooks and access to support services. Other Divisions provide no supports or materials. At least one Division has enrolled home schoolers on a local school attendance register, thus qualifying for a per pupil operating grant to cover the costs of supervision and provision of materials. In this Division a local teacher is assigned to maintain regular supervisory contact, and the child and home schooling parent are encouraged to participate in school social events (playdays), educational experiences (field trips) and utilize the school library. Other school divisions seem to express but a modicum of interest in the home schooling pupil and parent.

Conclusion

In the opinion of this review there is need for a standardized approach to the supervision of home schooling in the province and to the provision of support services/materials to the families in question. It is important to clearly define the duties and responsibilities of the parents and education officials involved in order to ensure quality of education and equity of treatment. It seems practical that local school boards should assume responsibility for the supervision of home school programs and for the provision of support services and materials to the home school family. In return, the school board should receive financial recognition from the Department fo Education for the provision of these services.

Recommendations

1. Home schooling be permitted to continue in Saskatchewan.
2. Parents who wish to home school be required to provide the affected school board with adequate notice of their intention to provide such education.
3. Parents who are providing for the home schooling of their children be required to provide for the satisfactory instruction of their children and annually submit an appropriate detailed educational plan for their children to the local director of education.
4. Children who are home schooled be required to annually write such standardized achievement tests, under the supervision of a school division teacher or official, which would normally be given to all public school pupils from time to time (e.g., Canadian Test of Basic Skills).
5. School boards be required to make available at no cost to the parent all instructional textbooks and classroom teaching materials which could appropriately be used in a home school setting and which are commonly given to each child attending schools in the school division in question.
6. Boards of education, through their director of education, be required to provide for on-going supervision of all home schooling activities in their respective jurisdiction and to ensure that "satisfactory instruction" as earlier defined in this report is being provided, taking into account the natural

limitations of the home environment and the right of parents to educate their own children. Such supervisory contact should take place no less than once a month.

7. The Department of Education be required to provide per pupil operating grants to the Board of Education in question for any child being home schooled and who is resident in the school division, and listed on a home school register maintained by the Board of Education. The amount of the per pupil grant need not equal the size of the per pupil grant normally given for children attending the Board's schools, but it should be adequate to cover, on a prorated basis, all costs that will be incurred by the board through the provision of materials, support, supervisory and inspection services.

8. In the case of disputes between the home schooling parent(s) and the Board of Education concerning whether or not satisfactory instruction is being provided, the matter may be referred, by request of either party, to the Minister of Education who shall establish a review Tribunal, comprised of one person nominated by each party and a mutually agreed upon chairman. The Tribunal shall have the power to determine whether or not satisfactory instruction has been provided and shall have the power to order any of the parties to take any action the Tribunal deems appropriate to effect satisfactory instruction. The decision and order(s) of the Tribunal may be appealable to the judicial system.

9. As much as possible the school board should facilitate on-going contact between the home schooling parents and children and the local school through such means as:

- participation in special school day events
- utilization of school resources
- appointment of a local school teacher to provide support to the parent(s)

9. Associated Schools

Until recently, Saskatchewan parents had two options to choose when educating their children - a public school, or, if personal finances permitted, a private school.

Some Saskatchewan parents have attempted to establish a third option, that of alternate, parent-run schools which would remain under the legal authority and funding mechanism of a public school board, but which through a negotiated arrangement between the parents and the school board would provide a distinct educational experience for their children, more in keeping with the philosophical and religious convictions of the parents than is presently the case in the public school system.

Attempts were made in recent years by parent groups in both Regina and Saskatoon to negotiate an agreement with the public school boards in each city to establish such alternate schools. Both attempts failed as public school board trustees cited concerns such as the possible fragmentation of the public school system and the mixing of religion and public education. In these two cases the parents in question proceeded to establish independent schools which have grown considerably since their inception.

However, some parent groups in the province have been successful in negotiating various alternate school arrangements with certain school boards.

A parent group in the Valley School Division has contracted such an arrangement for a largely parent controlled school operating under the legal authority of the public school board. This negotiated arrangement will be entering its second year of operation in the Fall of 1987.

The basic features of this arrangement between the Bergthaler Mennonite Church and Valley School Division Board are as follows:

- the parent group is financially responsible to cover the costs of pupil transportation, school building and grounds maintenance, costs of office and maintenance staff, insurance, costs for library books and certain supplies and equipment;
- the school board is responsible to pay teachers' salaries and provide textbooks;
- the school board is the legal employer of the teachers who are members of the Saskatchewan Teachers' Federation;
- the teachers are selected by a teacher selection committee with representatives from the parent group, the school board and school board administration;
- the agreement runs for a five year period.

Because not all costs are borne from the public purse, parents of children enrolled in the school pay a modest tuition fee.

In Saskatoon, three separate parent groups have also successfully established alternate school arrangements with the Roman Catholic School Board.

These types of arrangements may be attractive to parents, educators and public policy makers as a positive solution to encourage parental involvement in schooling, support values of choice and diversity in educational experience and continue interaction between groups of parents and children within local communities.

In 1985, as part of its review of private schooling in Ontario, the Report of The Commission of Private Schools put forward a detailed series of recommendations concerning the possible introduction of such an Associated School concept in Ontario.

These recommendations are appended to this report (see Appendix D) and should be given serious consideration for implementation in Saskatchewan, with some amendments, should the present Associated School arrangements prove to be models which the provincial government would want to encourage in Saskatchewan.

10. Impacts of Recommendations

The recommendations offered in this report, if enacted, should satisfy societal concerns that the quality of education being provided in private school and home school settings is adequate to meet the test of ensuring an educated citizenry. Directors of education will be relieved of an impractical responsibility to supervise private schools. Obligating the Department of Education to assume this responsibility will require the employment of at least one and possibly two inspectors, thus incurring an annual cost of approximately \$100,000.

The recommendation to exempt private school property from taxation would result in an overall revenue loss of \$209,000 to Saskatchewan municipalities.

The recommendation to provide school boards with per pupil grants from the Department of Education for home schoolers, assuming a home school population of 500 students across the province and assuming that no school board presently receives funds for home schoolers, would cost the Department of Education approximately an additional \$618,000 annually in grants given to school boards (using average Division II per pupil grant levels for calculation purposes and assuming a fifty percent grant would be offered).

If the Department were to provide an annual materials/equipment grant in an amount of \$50 per pupil to all private schools which did not meet present

operating grant criteria, it would cost the Department approximately \$61,800 annually.

These recommendations, if implemented, would imply a total cost to the Department of Education of approximately \$800,000 annually, assuming no change of status in the present configuration of private schools operating in the province.

11. Conclusions

During the past decade support for private schooling in Saskatchewan has grown considerably, with enrollments increasing from 1,621 students to 3,133 students during that period. However, private school enrollment comprises only 1.6 per cent of total public and separate school enrollment. It is anticipated that private school support will continue to increase in the future, but not to any significant extent such that the practice or quality of public schooling would be threatened.

Students attending Saskatchewan's private schools are generally receiving a satisfactory education. However, this province lacks proper regulatory legislation to ensure that private schools are periodically inspected and that satisfactory instruction is being offered.

The public, including parents, students and education officials, have a right to know that all children are receiving satisfactory instruction, and the government has a duty to define and implement a regulatory mechanism which will satisfy society's legitimate interest in private education, while respecting parent rights.

A private school regulatory framework is required which places the onus for private school inspection upon Department of Education officials, specifies criteria to be used when inspecting private schools and provides for a fair, dispute-settling mechanism. As well, there is need for a standardized approach

to the supervision of home schooling sites in the province which will clearly define the duties and responsibilities of parents and education officials.

The Department of Education should continue to provide operational/capital grant funding to the private high schools presently operating in the province, but should not undertake a major extension of operating/capital assistance to other private schools. A case can be made, however, to provide these schools with a modest materials/equipment grant. Such assistance should only be offered at an appropriate time, given the present fiscal constraints facing the public treasury, and should not be taken from funds allocated to support public schools, which should be the prime beneficiary of public dollars spent on education in order to ensure equality of access to an adequate education opportunity for all children.

The levying of property taxes on private school property by municipal government is discriminatory and should be immediately prohibited.

The conclusions and recommendations contained in this report have been put forward after considerable study and review of some very difficult, complex, and controversial issues. I do not expect they will receive unanimous support. However, in the opinion of this review, these recommendations should be seen as pragmatic suggestions that can engender a co-operative and tolerant approach to the very sensitive matter of the education of our young and the role of private schooling in that process.

It is hoped that these recommendations will as quickly as possible lead to the implementation of necessary changes in Saskatchewan's public policy

respecting private schooling. Failure to implement needed changes will further exacerbate growing frustrations and tensions among parents and educators.

Appendix A Private Schools in Saskatchewan

Source: Saskatchewan Department of Education

| Name of School | Grades | Religious Affiliation | Enrollments | | | | |
|------------------------------------------------|----------------------|----------------------------------------|--------------|--------------|--------------|--------------|--------------|
| | | | 1982-83 | 1983-84 | 1984-85 | 1985-86 | 1986-87 |
| Athol Murray College of Notre Dame (Region 1) | 9-12 | Roman Catholic | 342 | 348 | 356 | 400 | 407 |
| Western Christian College (Region 1) | 10-12 | Church of Christ | 108 | 129 | 113 | 105 | 97 |
| St. Angela's Academy (Region 2) | 10-12 | Roman Catholic | 68 | 64 | 65 | 76 | 66 |
| Rosthern Junior College (Region 4) | 10-12 | Mennonite | 137 | 122 | 131 | 123 | 124 |
| Lutheran Collegiate Bible Institute (Region 4) | 10-12 | Lutheran | 96 | 89 | 72 | 99 | 102 |
| Luther College (Region 7) | 9-12 | Lutheran | 391 | 412 | 444 | 419 | 478 |
| Rivier Academy (Region 5) | 7-12 | Roman Catholic | 191 | 196 | 207 | 210 | 202 |
| Caronport High School (Region 7) | 9-12 | Non-Denominational | 316 | 298 | 302 | 306 | 305 |
| College Mathieu (Region 2) | 8-12 | Roman Catholic | 83 | 90 | 113 | 115 | 116 |
| Sub-Total | | | 1,732 | 1,746 | 1,803 | 1,853 | 1,897 |
| Sacred Heart High School (Region 3) | 9 | Roman Catholic | 53 | 54 | 52 | 55 | 48 |
| St. Joseph's High School (Region 1) | K-11 | Privately Owned | 15 | 6 | 8 | 5 | 5 |
| Sub-Total | | | 68 | 60 | 60 | 60 | 53 |
| Parkland Christian Academy (Region 3) | Ungraded ACE Program | Interdenominational | 12 | 11 | 19 | 16 | 17 |
| Churchbridge Christian Academy (Region 3) | Ungraded ACE Program | Interdenominational | - | 17 | 21 | 23 | 36 |
| Word Shop Christian Academy (Region 4) | Ungraded ACE Program | Interdenominational | 9 | 12 | 7 | 8 | 8 |
| Kindersley Christian Academy (Region 4) | Ungraded ACE Program | Interdenominational Full Gospel Church | 9 | 20 | 19 | 17 | 26 |
| Meadow Lake Christian Academy (Region 6) | Ungraded ACE Program | Interdenominational Pentecostal | - | - | 22 | 29 | 23 |

| | | | | | | | |
|-------------------------------------------------------|--------------------------|-------------------------------------|------------|------------|------------|------------|------------|
| Prince Albert Christian Academy (Region 5) | Ungraded ACE Program | Interdenominational | 14 | 10 | 42 | 28 | 35 |
| Victory Christian Academy (Region 5) | Ungraded ACE Program | Interdenominational | 41 | 64 | 78 | 65 | 44 |
| Maranatha Christian Academy (Region 7) | Ungraded ACE Program | Interdenominational | 89 | 84 | 80 | 71 | 69 |
| Christian Center Academy (Region 4) | Ungraded ACE Program | Interdenominational | 81 | 102 | 124 | 123 | 138 |
| Fellowship Chapel Christian Academy (Region 4) | Ungraded ACE Program | Interdenominational | - | 6 | 11 | 14 | 16 |
| Watson Christian Center Academy (Region 5) | Ungraded ACE Program | Interdenominational | - | - | - | 7 | 12 |
| Faith Alive Christian Academy (Region 4) | Ungraded ACE Program | Interdenominational | 56 | 60 | 48 | 52 | 51 |
| Full Gospel Christian Academy (Region 5) | Ungraded ACE Program | Interdenominational | - | - | 25 | 24 | 21 |
| Radiant Life Christian School (Region 1) | Ungraded ACE Program 2-7 | Interdenominational | - | - | - | - | 8 |
| Prayer Baptist Christian School (Region 5) | Ungraded ACE Program | Baptist | - | - | - | 5 | 2 |
| Sub-Total | | | 311 | 388 | 496 | 482 | 506 |
| Regina Christian School (Region 7) | K - 8 | Non-denominational | - | - | - | 48 | 74 |
| Saskatoon Christian School (Region 4) | 1 - 8 | Non-denominational (Dutch Reformed) | - | 33 | 40 | 58 | 61 |
| North Battleford Heritage Christian School (Region 6) | K - 9 | Non-denominational | 19 | 27 | 49 | 64 | 79 |
| Sub-Total | | | 19 | 60 | 89 | 170 | 214 |
| Countryside School (Region 3) | 1 - 9 | Mennonite | 38 | 40 | 43 | 45 | 49 |
| Pasqua Hills Christian School (Region 5) | 1 - 9 | Mennonite | 6 | 8 | 9 | 11 | 6 |
| Wheatland Christian School (Region 6) | 1 - 9 | Mennonite | 5 | 6 | 10 | 13 | 16 |
| North Star Private School (Region 3) | 1 - 8 | Mennonite | 13 | 15 | 18 | 20 | 23 |
| Plains Christian Day School (Region 4) | 1-10 | Mennonite | 16 | 23 | 28 | 36 | 37 |
| Rheinland Mennonite School (Region 4) | 1-10 | Mennonite | 55 | 53 | 46 | 47 | 38 |
| Swanson Christian School (Region 4) | 1 - 9 | Mennonite | 13 | 15 | 19 | 21 | 25 |
| Sub-Total | | | 146 | 160 | 173 | 193 | 194 |
| Macrorie Seventh-Day Adventist School (Region 4) | 1 - 9 | Seventh-Day Adventist | 5 | 4 | 4 | 4 | - |
| Seventh Day Adventist School (Region 7) | 2 - 9 | Seventh-Day Adventist | 7 | 8 | 7 | 5 | 7 |

| | | | | | | | |
|--------------------------------------------------------|---------------------------|-----------------------|-------------|-------------|-------------|-------------|-------------|
| Seventh-Day Adventist Elem. School (Region 7) | 1 - 3 | Seventh-Day Adventist | 6 | 5 | 6 | 5 | 5 |
| Battleford Seventh-Day Adventist School (Region 6) | K - 6 | Seventh-Day Adventist | 6 | 5 | 5 | 10 | 8 |
| Quill Lake Junior Academy (Region 5) | 1 - 8 | Seventh-Day Adventist | 8 | 8 | 10 | 11 | 9 |
| Curtis-Horne Jr. Academy (Region 7) | 1 - 10 | Seventh-Day Adventist | 27 | 32 | 34 | 38 | 51 |
| Rosthern Adventist Academy (Region 7) | 3 - 9 | Seventh-Day Adventist | 22 | 18 | 15 | 14 | 11 |
| Seventh Day Adventist Jr. Academy (Region 4) | 1 - 10 | Seventh-Day Adventist | 36 | 44 | 42 | 31 | 38 |
| Tugaske Seventh Day Adventist Church School (Region 7) | 1 - 6 | Seventh-Day Adventist | 8 | 8 | 10 | 7 | 7 |
| Seventh Day Adventist Jr. Academy (Region 3) | K - 10 | Seventh-Day Adventist | 36 | 32 | 30 | 32 | 35 |
| Sub-Total | | | 161 | 164 | 163 | 157 | 171 |
| Cornwall St. Tutoring Special (Region 7) | 6 - 12 | | 40 | 35 | 42 | 48 | 48 |
| Alta Vista High School (Region 7) | 5 - 12 Special Problem | | 37 | 33 | 24 | 20 | 21 |
| Ranch-Ehrlo (Region 7) | Grade level | | 29 | 32 | 32 | 25 | 29 |
| Sub-Total | | | 106 | 100 | 98 | 93 | 98 |
| TOTAL | | | 2543 | 2676 | 2882 | 3008 | 3133 |

Appendix B Private Schools and Municipal Taxation

| School | Location | Municipal Mill Rate | School Mill Rate | Table Assessment | Municipal Taxes | School Taxes | Exempt Assessment | Exempt Municipal Taxes | Exempt School Taxes | Ratio for Exemption |
|-----------------------------|---------------|---------------------|------------------|------------------|-----------------|--------------|-------------------|------------------------|---------------------|--------------------------|
| Albion Murray Wilson | | 35 | 45 | | | | 6729,410 | 125,526.35 | 612,875.45 | Private Reverend Bill |
| St. Angela's | Prelate | 32 | 61 | | | | 459,920 | 16,439.97 | 27,506.73 | Private Reverend Bill |
| Southern Junior Posterna | | 70 | 55.5 | | | | 398,770 | 21,615.10 | 17,137.69 | Exempt by Council |
| Lutheran Collegiate | Edmonton | 50 | 54 | | | | 316,800 | 19,758.00 | 16,999.20 | Exempt by Council |
| Luther College Regina | | 46.8 | 57 | | | | 500,850 | 34,037.70 | 29,061.45 | Private Reverend Bill |
| River Academy Prince Albert | | 59 | 62.7 | 20,380 | 1,354.06 | 1,651.52 | 1,795,340 | 105,926.20 | 112,519.07 | Private Reverend Bill |
| Notium College Southborg | | 39 | 40 | | | | 355,110 | 13,971.39 | 21,186.40 | Private Reverend Bill |
| St. Joseph's | Wibault | 50 | 50 | 51,070 | 2,351.50 | 2,962.06 | n/a -- a11 | Exempt | | |
| Portland Christian | Canora | 59 | 55 | | | | 10,910 | 645.46 | 576.82 | Exempt as a Church |
| Churchbridge Christian | Churchbridge | 42 | 51 | | | | 10,000 | 229.96 | 962.88 | Exempt as a Church |
| Kindersley Christian | Kindersley | 50 | 53 | | | | 8,590 | 498.22 | 455.29 | Exempt as a Church |
| Prince Albert Christian | Prince Albert | 59 | 62.7 | | | | 17,910 | 1,039.03 | 1,175.17 | Exempt as a Church |
| Reardon Lake Christian | Reardon Lake | 78 | 50 | | | | 45,080 | 2,362.26 | 2,154.00 | Exempt by Council |
| Victory Christian | Prince Albert | 59 | 62.7 | 67,720 | 3,475.48 | 9,216.06 | 48,910 | 2,472.69 | 2,629.76 | Church Portion |
| Reynolds Christian | Regina | 66.8 | 57 | 161,010 | 10,757.47 | 9,179.29 | 231,070 | 15,135.40 | 13,176.99 | Exempt as a Church |

| | | | | | | | | | | |
|-----------------------|------------------|------|------|---------|-----------|-----------|------------------------|----------|----------|----------------------------------------------------------------|
| Christian Centre | Saxatoom | 45.1 | 53.7 | 228,560 | 10,217.06 | 12,619.39 | 136,160 | 4,160.82 | 7,304.11 | 857 Council Rebate in 1986 |
| Fellowship Gospel | Saxatoom | * | * | 670,570 | 31,164.71 | 38,481.75 | 80,820 | 3,661.98 | 4,501.67 | 857 Council Rebate in 1986 |
| Watson Christian | Watson | 57 | 60.5 | | | | 28,910 | 1,667.87 | 1,741.05 | Erected by Council |
| Faith Alive Christian | Saxatoom | 45.1 | 53.7 | | | | 53,570 | 2,416.01 | 2,487.85 | Erected by Council (to be reviewed) |
| Prayer Baptist | Porcupine Plain | 45 | 47.5 | | | | 7,980 | 359.10 | 379.05 | Erected as a Church |
| Saxatoom Christian | Saxatoom | 45.1 | 53.7 | 86,830 | 3,916.03 | 4,836.43 | 131,410 | 6,828.59 | 8,433.54 | Erected by Council |
| Counterside Remonite | Saltcoats | 40 | 53 | 15,910 | 658.40 | 883.23 | nil -- all variable | | | |
| Plains Christian | Osler | 50 | 56 | | | | 7,170 | 339.50 | 401.52 | Erected as a Church |
| Midland Remonite | * | * | * | | | | 9,480 | 494.00 | 542.48 | Erected as a Church |
| Seventh Day Adventist | Moose Jaw | 55.1 | 61.3 | 2,600 | 143.26 | 167.18 | 24,770 | 1,384.83 | 1,592.71 | Erected as a Church |
| Seventh Day Adventist | North Battleford | 60.5 | 63 | 2,150 | 139.88 | 118.25 | nil -- all variable | | | |
| Scotts-Rorne | Regina | 66.8 | 57 | 81,120 | 3,418.82 | 4,623.84 | 62,890 | 4,187.69 | 3,573.33 | Had been erected as a Church. Erection now withdrawn. |
| Restora Adventist | Restora | 70 | 55.3 | | | | 10,140 | 709.80 | 862.77 | Erected by Council |
| Seventh-day Adventist | Saxatoom | 43.1 | 53.7 | | | | 90,250 | 4,070.79 | 5,026.93 | Private Member Bill |

Charters RM 87

College Act

| | | | | | | | | | | |
|------------------------|-------------------|----|----|------------|------------|-------------|------------|-------------|-------------|------------------------------|
| Carsonport High School | Carsonport RM 182 | 26 | 48 | 339,410 | 8,874.46 | 16,791.49 | 975,430 | 25,361.18 | 46,879.44 | 822 exempt school & printing |
| Total | | | | 62,097,830 | 804,319.85 | 9114,634.05 | 64,526,030 | 1318,194.09 | 6367,788.29 | |

Compiled by: Advisory Services Branch
 Urban Affairs
 Data Sources: Supt. Assessment Authority

Appendix C

Goals of Education for Saskatchewan

Source: Saskatchewan Department of Education

Basic Skills

1. Read, write, and compute.
2. Acquire information and meaning through observing, listening, reading, and experiencing.
3. Process information through intellectual and technological means.
4. Solve problems by applying basic principles and processes of the sciences, arts, and humanities.
5. Communicate ideas through written and spoken language, mathematical symbols, and aesthetic expression.

Life-Long Learning

1. Seek and value learning experiences.
2. Act as self-reliant learners.
3. Base actions on the knowledge that it is necessary to learn throughout life.

Understanding and Relating to Others

1. Act on the belief that each individual is worthwhile.
2. Base actions on the recognition that people differ in their values, behaviours, and life styles.

3. Interact and feel comfortable with others who are different in race, religion, status, or personal attributes.
4. Develop a sense of responsibility toward others.

Self Concept Development

1. Perceive themselves in a positive.
2. Appreciate their own abilities and limitations.
3. Set and work toward personal goals.
4. Assess praise and criticism realistically.
5. Present themselves with confidence.

Positive Life Style

1. Practice appropriate personal hygiene, engage in sufficient physical activity, and maintain a nutritionally balanced diet.
2. Avoid harmful use of alcohol and other drugs.
3. Cultivate interests that may be the basis for personal development and leisure pursuits.
4. Recognize the importance of productive activity.
5. Display initiative and pursue tasks diligently.
6. Maintain a safe and healthful community.
7. Respect and seek to enhance the environment.
8. Appreciate beauty in its many natural and constructed forms.
9. Express themselves creatively.

Spiritual Development

1. Seek and understanding of the purpose and worth of human existence.
2. Develop a knowledge of God.
3. Respect family, religion, and culture in a pluralistic society.

Career and Consumer Decisions

1. Develop an awareness of career opportunities.
2. Develop interests and abilities in relation to vocational expectations.
3. Adapt to shifts in employment patterns and technology.
4. Make informed consumer decisions.

Membership in Society

1. Assume responsibility for their own actions.
2. Work with others to achieve individual and group goals.
3. Participate in the democratic processes of government and perform the duties of citizenship.
4. Respect the rights and property of others.
5. Act with honesty, integrity, compassion, and fairness.
6. Develop a sense of national pride and acknowledge the need for international understanding.
7. Work toward greater social justice.
8. Assume responsibility for dependent persons in a manner consistent with their needs.
9. Respect law and authority.
10. Exercise the right of dissent responsibly.

Growing with Change

1. Work toward immediate and long-term goals.
2. Base actions on an understanding that change is a natural process in society.
3. Select workable alternatives in response to changing conditions.
4. Develop confidence in making decisions that involve risk.

Appendix D

Associated School Recommendations

Source: The Report of the Commission on Private Schools in Ontario

The continued health and viability of the Province's public schools are not, however, the Commission's only objective. This health and viability might in some circumstances be achieved without having to deal with the Commission's intention to both increase parental choice and deal with the discrimination that characterizes a policy which provides public funding to the schools of only one particular religious community. Interestingly, the beginnings of a possible response to the multiple objectives of the Commission can be found in current practice. Across Ontario, at the moment, a variety of cooperative (and, generally, informal) arrangements have been established between board schools and private schools. There are, for example, some students from private schools who ride on the same buses as public school students; there are some students from private schools who take credit courses at neighbouring public schools; some teaching staff from private schools share with their colleagues from publicly funded schools in programmes of professional development; and, in some cases, students from local public schools use the facilities and resources of a private school. Each of these arrangements is rooted in a specific situation. It does seem to the Commission, however, that the key ingredient to the success of the continuing associations between publicly funded and private schools has been the ability of the representatives of the schools involved (publicly funded and private) to negotiate an arrangement that meets the needs of the parents and children of both school communities. The Commission believes that this model of negotiation should be encouraged not so much for the potential economies involved as for the positive effect of the continuing interaction between the school communities. The Commission also believes that in as many situations as possible the association between a board school and an independent school should be both substantial and formal. Therefore, the Commission recommends:

21. That an associated school be defined in law as an independent school that has come to an agreement with a local school board to operate in association with that board and in addition to offering satisfactory instruction (see Recommendation 2):
 - (i) employs only Ontario certified teachers (except where letters of permission are appropriate);
 - (ii) charges no tuition;
 - (iii) is, within enrolment and academic constraints, open without distinction as to race, ethnic background or religion to all persons of compulsory school age who, subject to the appropriate constitutional protections, agree to participate fully in the programme of the associated school;
 - (iv) is a non-profit organization;
 - (v) is not designed primarily to offer special education programmes and services;
 - (vi) reports annually to the school board with which it is associated on its financial and instructional operation;
 - (vii) is operated by a board of governors, at least half the membership of which shall be composed of parents of students attending the school.

The above recommendation would create a new category of school: the associated independent school. Given the standards of access and accountability specified in Recommendation 21, it is likely that there will be many independent schools who would regard this particular status as inappropriate to their own objectives. The Commission believes, however, that there would be some school boards and some independent schools

that would find this new arrangement attractive. The Commission recognizes that given the various needs of both independent and board schools (and the communities that they serve) either could be interested in initiating an "association" and, therefore, the Commission recommends:

22. That the Ministry of Education introduce legislation to provide authority for either the board of governors of an independent school within the area of jurisdiction of a local school board or the local school board itself to enter into negotiations in order to reach an agreement enabling an independent school meeting the conditions specified in Recommendation 21 to become an associated school with that school board.

Publicly elected boards are expected to negotiate at the request of an independent school. Negotiations, however, particularly in the initial stages, may be delicate and lengthy, and in some instances arbitration may be required in order to effect an equitable agreement. Therefore, the Commission recommends:

23. That, if, after a calendar year of negotiation or an attempt to negotiate, an agreement to establish an associated school cannot be reached, the board of an independent school may appeal to the Minister of Education for arbitration in completing such an agreement;

and

24. That, in the event of such an appeal, both the local school board and the board of the independent school shall submit in writing to the Minister details of the negotiations and specific reasons for the impasse. The Minister's decision shall be final and will take into account, but not be limited to, the effect that a new school unit may have on the local boards' schools.

In support of an agreed-upon association under the conditions specified in Recommendation 21, the Commission believes that public funds should be made available for the operation of the associated school. Therefore, the Commission recommends:

25. That, in support of the association between an independent school and a local school board, the Province of Ontario provide an annual grant equal to the average per-pupil operating costs for the elementary and/or secondary schools experienced by the local school boards in the previous year multiplied by the enrolment of the associated school in that same year.¹

The Commission's view is that the grant provided by the Province should be shared between the associated independent school and its "host" school board. The way in which this grant would be shared would vary depending on the specific arrangements worked out between the two school communities. The expectation of the Commission is that an associated school would utilize the economies of the local board's administrative and consultative services, that the recommended arrangements for transportation and learning materials (see Recommendations 19 and 20) would be included in the services to be provided through the local board, and that the associated school agreements would encourage the maximum feasible interaction and joint experience of all students and staff. Therefore, the Commission recommends:

26. That the annual associated school grant be shared between the local school board and its associated school in amounts based on the specific arrangements negotiated between the two parties, such arrangements to reflect both the programme range and operating costs of the associated school and the programmes and services of the local school board to which the associated school is to have access.

It is to be understood that normally the associated school and local board will receive not less than 75% and 15% of the grant respectively. The Commission hopes and expects that

¹ If the associated independent school is in its first year of operation, its September 30 enrolment will be used as the basis for the calculation of the operating grant.

the advantages of very broad based programming and certain economies of scale that accrue to publicly funded school boards may be the focal points for the services and programmes to be utilized by the associated school and for which the local school board will be accountable. Therefore, the Commission recommends:

- 27. That the responsibilities of a school board associated with an independent school include such administrative (e.g., transportation), consultative and programme services as are negotiated with the independent school and that the local school board provide to the Minister of Education and to the board of governors of the associated school an annual statement of its services provided to the associated school.**

The Commission is also convinced that in a multicultural society and in the name of tolerance and understanding every effort should be made to increase the probability that young people of differing backgrounds will have some opportunity for shared experience. Therefore, the Commission recommends:

- 28. That an associated school and its local school board be encouraged to share programmes, especially curricular programmes that would broaden student academic choice as well as co-curricular programmes such as sports, club activities and community outreach; the costs of such arrangements to be a part of the negotiated agreement between the board of the associated school and the local school board.**

Since only operational funding is to be provided to associated independent schools by the public treasury and since no tuition charge is to be levied, the board of an associated independent school will require continued community commitment and participation in order to provide both for capital requirements and, where appropriate, the unique character of the school itself. Therefore, the Commission recommends:

- 29. That the board of an associated school be empowered to:**
- (i) raise funds and issue tax receipts for capital and special programme requirements but not for tuition;**
 - (ii) within the constraints of satisfactory instruction, design and implement curriculum;**
 - (iii) purchase, rent, own and lease property;**
 - (iv) hire and supervise staff;**
 - (v) establish compensation policy;**
 - (vi) establish enrolment levels;**
 - (vii) provide a religious base for school programmes.**

Any effort to move into an innovative mode such as the associated schools concept should not be inhibited by the peculiarities of the moment. Included in these could be the qualifications of the teachers in the associated independent schools. Inasmuch as Recommendation 21 requires Ontario certification (except where letters of permission are appropriate), some transitional period of grace should be provided. Therefore, the Commission recommends:

- 30. That uncertified teachers on the staff of an associated school at the time of the signing of an association agreement with a local board be given seven years from that time to obtain an Ontario Teacher's Certificate.**

The public funding of independent schools through the associated school concept has a number of important advantages. Crucial among these is that it represents, in the view of the Commission, a reasonable remedy for the currently discriminatory practice of the Province in limiting its special funding to the Roman Catholic separate schools. The basis of the proposed remedy is not equality. The Commission does not believe that it would be reasonable to suggest that either (a) the history and special constitutional status of the Roman Catholic separate schools are of no account or (b) the Province should consider the establishment and full funding of elaborate and publicly-elected trustee systems for groups of whatever size that wish to establish an independent, but publicly funded, school. The basis of the proposed remedy is, therefore, not equality but equity, and it seems to the Commission that equity is served by the associated schools

concept in which somewhat lower levels of public funding (i.e., only operational support is provided) are associated with somewhat lower levels of public responsibility in terms of both range and independence of programme. At the same time, substantial public funding of independent schools is limited to those independent schools which: (a) are willing to associate themselves with a local school board; (b) will be open to students irrespective of their race, religion, or ethnic background;¹ (c) do not levy tuition charges; (d) provide elementary and/or secondary schooling at an operating cost not substantially greater than that at which the Province is willing to support its public schools.

The Commission recognizes that the standards and conditions described immediately above and in some earlier sections of the Report may be unwelcome and perceived as inappropriate, perhaps even as punitive, by some independent schools. The Commission disagrees with this point of view and can only reiterate that from its perspective the proposed policy appropriately matches public funding to public responsibility and public purpose. It leaves to the individual independent school the choice between values of association and the values of greater independence — both fiscal and otherwise.²

At the same time, the Commission was anxious not to unduly jeopardize the special character of an independent school which chooses to negotiate an association with a local school board. Thus, an associated independent school can elect to have a religious basis to its programme and students selecting the school must, subject to any constitutional constraints, participate in the full programme offered by that school. It is admitted that the open enrolment standard (see Recommendation 21) may introduce some difficulty in this area, but the Commission suggests that it is preferable to deal with this problem when and if it develops rather than to put forward any proposal for a publicly funded school that restricts its admission on what the Commission regards as inappropriate grounds.

A further advantage of the associated schools approach is that it is likely to increase the diversity of educational offerings available to Ontario students and Ontario families at little or no direct cost to the student or family at the point of service. Moreover, and in some ways more importantly, public funding will become available to educational variations of direct interest to families and lay persons as well as those developed by the education professionals.

Finally, the associated schools proposal takes into account the Province's public schools. It is only through a substantive association with a local school board that an independent school can substantially access the public funding programme, and to the local boards, therefore, will fall the challenges and opportunities of leadership within the entire spectrum of the Province's schooling arrangements. The Commission hopes that careful experimentation with the associated school programme will provide the government and the citizens of Ontario with real rather than hypothetical (and, therefore, rhetorical) experience with how we are to live together independently. The ability to do so, that is, to live together independently, is essential to what is apparently Ontarians' shared vision of a democratic but pluralistic and multicultural society. This is a real challenge in the sense that any realization of the vision will not be simple. What may be simple and, moreover, frequently tempting is an opting for a more segmented and more segregated alternative.

In some sense, this is also the difficulty with the associated schools proposal. Not only does it potentially deliver both the public schools and the independent schools each into the hands of its enemy (i.e., the other) but, by a further sub-division of the publicly funded school sector, it might be seen as contributing to social divisiveness as opposed to social cohesion. In principle, if we in Ontario were forging an entirely new school system, the Commission would have some considerable sympathy with the social divisiveness argument. Ontario is not, however, designing a new school system *ab initio*. Further, in all but official rhetoric, Ontario has already parted from the common school

¹ The Commission recognizes that the Roman Catholic separate schools are not always open to non-Catholic students. It believes, however, that this policy is mistaken and that all publicly funded schools should be open on no less than the same basis as described herein for associated schools.

² Greater independence may also attract some school groups to the associated schools notion but, unfortunately, away from the alternative schools option in the public sector (see Recommendation 36).

idea in many ways (e.g., the establishment of the separate school, the legitimization of independent schools based on the ability to pay, the frequently homogeneous grouping of children by neighbourhoods, the profound programmatic differentiation both at the secondary level and for young people with special needs, and the self-selection of students into French immersion programmes), each of which can be regarded as socially divisive. Thus, it hardly seems reasonable to draw the line at independent schools, for this would have the effect of suggesting that only educational variations supported by the educational establishment should be subsidized. If there is one impression made strongly by Ontario parents in the experience of the Commission, it is that parents wish to have a more direct influence and more direct input into the education of their children. The associated schools proposal provides one such opportunity. It is not without risk, but in the opinion of the Commission, it is a reasonable risk to take.

What is unreasonable is to expect that associated independent schools will find their status of association subject to the vagaries related to the shifting and fascinating politics of local school board elections. Therefore, the Commission recommends:

31. That the conditions of agreement between the board of governors of an independent school and a local school board to establish an associated school be in writing and subject to the approval of the Minister of Education that the agreement satisfies the requirements of the relevant provincial policy;

and

32. That termination of a written agreement between the board of governors of an independent school and a local school board be by mutual agreement of the boards involved or by a written request to cancel the agreement by one board and the approval of this request by the Minister of Education.

Finally, there is the matter of the cost to the provincial treasury of the associated school programme. These costs are difficult to estimate since they are so dependent upon the number and size of independent schools reaching an associated school agreement with a local school board. The Commission's estimate is that after five years approximately 18,000 (12,000 elementary and 6,000 secondary) of the Ontario students now in independent schools may be enrolled in associated independent schools. Given the 1984 per-pupil operating cost of \$2,297.00 elementary and \$3,140.00 secondary, exclusive of transportation, this would result in an annual cost of approximately \$51,000,000.00 (including transportation) for the funding of the associated schools.

THIS IS EXHIBIT "Y" REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-

**Saskatchewan Court of Queen's Bench
Judicial Centre of Saskatoon**

Citation: Mattison et al. v. Kotelmach
Date: 1989-07-06
Docket: 346 A.D. 1989

Between:

Harold Dean Mattison, and Jayce Andrew Kotelmach and Joshua Daniel Kotelmach, by their Litigation Guardian, Harold Dean Mattison (plaintiffs/applicants)

and

Andrew Kotelmach and Diane May Kotelmach (defendants/respondents)

Hrabinsky, J.

Counsel:

D.J. Kovatch, for the plaintiffs/applicants;

G.J. Ludwig, for the defendants/respondents.

[1] *Hrabinsky, J.*: In *R. v. Kotelmach and Kotelmach* (1989), 76 Sask. R. 116, Q.B.C.A. No. 38, A.D. 1988, J.C.S. (unreported), following a summary conviction appeal, I upheld two convictions against the respondents for failing to ensure the regular attendance in an authorized school of Jayce Kotelmach, a pupil of compulsory school age who was in their care and custody, contrary to s. 155 of the *Education Act*, R.S.S. 1978 (Supp.), c. E-0.1.

[2] The plaintiffs have now commenced an action and by notice of motion ask for the following relief:

"(1) an interim injunction restraining the defendants from continuing to act in violation of s. 155 of the *Education Act* (by sending Jayce and Joshua to the Christian Centre Academy - a school not recognized under the *Education Act*); and

"(2) for an order requiring the defendants to enroll the infant plaintiffs in a recognized school."

[3] I do not accept the respondents' submission that the separation agreement between Diane May Mattison (now Kotelmach) and Harold Dean Mattison, dated September 27, 1982, precludes the applicant, Harold Dean Mattison, from bringing this matter in this court because there has been no application for arbitration as contemplated under that agreement. Paragraph 6(d) of that document reads in part as follows:

"... To apply for arbitration under this paragraph, either party may apply to the Court to have a determination of the issue or issues ... The Court shall have the power to hear and determine the matter or matters in dispute or may name an arbitrator to hear and determine the said matter or matters."

From the foregoing it is clear that the court has the power to hear and determine the matter or matters in dispute or the court may name an arbitrator.

[4] The parties have adopted the evidence presented at the summary conviction prosecutions. Upon a review of that evidence on appeal, I concluded that few, if any, students who graduate from the Christian Centre Academy qualify to go directly to the University of Saskatchewan. I found also that the programs and curriculum of Christian Centre Academy are not approved programs of instruction as established by the Minister and the Department of Education. The respondents knowingly broke the law by failing to ensure the regular attendance of Jayce in an authorized school.

[5] The evidence establishes that after the two convictions were upheld by this court, the respondents continued to send Jayce to the Christian Centre Academy. Joshua, who is now of compulsory school age, has also been attending Christian Centre Academy. He has not been attending a school determined or authorized by the Board of Education. The respondents have continually and knowingly acted in breach of s. 155 of the *Education Act*.

[6] Counsel for the respondents submits that an application for an injunction to restrain the respondents from acting in violation of the *Education Act*, a public statute, must be brought by the Attorney General and that Harold Dean Mattison has no standing to take such action in his own name nor as litigation guardian on behalf of the infant children.

[7] In *Injunctions and Specific Performance*, Robert J. Sharpe, Toronto: Canada Law Book (1983), there is the following at p. 140:

"The law has not favoured the private enforcement of public rights unless the issue of public rights is incidental to some private cause of action asserted by the plaintiff."

Then at p. 148 the author states:

"The judgment to be exercised in determining whether injunctive proceedings are appropriate is a political one in the broad sense: what is the best way, given the circumstances, to ensure respect for the law? What impact will an injunction have, especially if there is a serious risk of noncompliance? Plainly, an injunction will not always be the best way to guarantee respect for the law, but the courts would be placed in an awkward position if forced to say that the activity is illegal, but that problems of enforcement render injunctive relief impolitic."

[8] The courts have held that an individual may have standing where that person can show special damage. Buckley, J., in *Boyce v. Paddington Borough Council*, [1903] 1 Ch. 109, at p. 114, revd. [1903] 2 Ch. 556 (C.A.), restd. [1906] A.C. 1 (H.L.), at p. 114, enunciated the foregoing principle as follows:

"A plaintiff can sue without joining the Attorney General in two cases: first, where

the interference with the public right is such as that some private right of his is at the same time interfered with (e.g., where an obstruction is so placed in a highway that the owner of premises abutting upon the highway is specially affected by reason that the obstruction interferes with his private right to access from and to his premises to and from the highway); and, secondly, where no private right is interfered with, but the plaintiff, in respect of his public right, suffers special damage peculiar to himself from the interference with the public right."

[9] Subsections 1, 2 and 3 of s. 155 of the *Education Act* read as follows:

"155(1) Except as otherwise provided in this Act, every parent, guardian or other person having charge of a pupil who is of compulsory school age shall take all steps that are necessary to ensure regular attendance of that pupil:

(a) At the school determined or authorized by the Board of Education of the division in which the pupil resides; and

(b) For the period during which the school described in clause (a) is in operation in each year.

"(2) A parent, guardian or other person who neglects to discharge his duty and responsibility pursuant to subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$100.00.

"(3) Upon a conviction for an offence under subsection (2), the magistrate or judge may, in his discretion, substitute for and in the place of a fine the requirement that the person so convicted post a bond in the penal sum of \$200, with such securities as may be required, on the condition that that person shall cause the pupil to attend school as required and, upon breach of that condition, the bond shall be forfeited to the Crown."

[10] It is clear that every parent having charge of a pupil who is of compulsory school age must take all necessary steps to ensure regular attendance of that pupil at the school determined or authorized by the board of education of the division in which the pupil resides for the period during which the school is in operation in each year. Failure to discharge that duty is an offence. Based on the foregoing I conclude that Jayce and Joshua, both pupils of compulsory school age, are given the statutory right to attend such a school. If they are deprived of that right, as is the case here, they have a private right of action as members of that class to enforce that public right. Accordingly, I conclude that Jayce and Joshua have standing. Further, Rule 43(1) of the *Queen's Bench Rules of Court* provides:

"43(1) Unless otherwise ordered, any person who is not under disability may act as litigation guardian for a minor without being appointed by the court."

Harold Dean Mattison has the right to act as litigation guardian for Jayce and Joshua.

- [11] I shall now deal with the standing of Harold Dean Mattison in his personal capacity. Although the *Education Act* does not confer a private right on him, as father of Jayce and Joshua he has a public right to ensure that his children attend a school authorized pursuant to the *Education Act*. Indeed, it is his duty to ensure that they attend such a school. Harold Dean Mattison, in his personal capacity suffers a special damage peculiar to himself from the interference with the public right by virtue of the fact that the respondents' contravention of the *Education Act* puts the future of his two children, Jayce and Joshua, in jeopardy. I find that Harold Dean Mattison has standing in his personal capacity.
- [12] Education of the young is a matter of prime concern not only to governments but also to every parent, guardian or other person who has charge of a pupil who is of compulsory school age. In the case before me, there is no doubt that the Attorney General has the right to seek injunctive relief but he has not done so. In fact, the Attorney General did not prosecute the respondents although it was evident that the respondents were acting in contravention of the *Education Act*. The convictions against the respondents arose as a result of a private prosecution. Notwithstanding the convictions the respondents have openly, continuously and flagrantly flouted the law. The *Education Act* provides for a maximum penalty of \$100.00 or a requirement that the person convicted post a bond in the penal sum of \$200.00 on the condition that that person shall cause the pupil to attend school as required and, upon breach of that condition, the bond is forfeited to the Crown.
- [13] In the case before me, the trial judge levied a fine of \$25.00 against each respondent. I find that the statutory penalties available under the *Education Act* are completely ineffective.
- [14] I find that compensatory damages would be an inadequate remedy because of the potential harm that the applicants may suffer as a result of an education which does not meet the standards of the *Education Act*. Such damages cannot be measured in terms of monetary compensation for the irreparable harm to the applicants which would ensue.
- [15] In balancing the risk of harm to the respondents by the granting of an interim injunction against the risk that the applicants' rights will be impaired while awaiting the trial, I conclude that the greater risk is the impairment of the applicants' rights. This matter cannot go to trial before the start of the coming school year in August. If an injunction is not granted, the past conduct of the respondents dictates that they will again enroll Jayce and Joshua in the Christian Centre Academy rather than in a school determined or authorized by the board of education. This, in my view, would be a further step in the continuation of irreparable harm suffered by the applicants in not allowing Jayce and Joshua an opportunity to attain an education recognized by the Department of Education.
- [16] The material before me discloses that the applicants have presented a serious case to be tried. In short, the applicants have demonstrated a strong prima facie case with a likelihood of ultimate success.

[17] There shall be an interim injunction restraining the respondents from continuing to act in violation of s. 155 of the *Education Act*, R.S.S. 1978, c. E-0.1, pending the outcome of the trial or further order of this court.

[18] Costs shall be costs in the cause.

Application allowed.

THIS IS EXHIBIT "Z" REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-

**Saskatchewan Court of Queen's Bench
Judicial Centre of Saskatoon**

Citation: R. v. Kotelmach and Kotelmach
Date: 1989-04-12
Docket: 38 A.D. 1988

Between:
Andrew Kotelmach and Diane May Kotelmach (appellants)
and
Her Majesty The Queen, on the Information of Harold Dean Mattison (respondent)

Hrabinsky, J.

Counsel:
G.J. Ludwig, for the appellants;
D.J. Kovatch, for the respondent.

[1] Hrabinsky, J.: This is a summary conviction appeal from the following convictions:

"That Andrew Kotelmach and Diane May Kotelmach, both of 246 Davies Road, Saskatoon, Saskatchewan,

1. did between November 1st, 1986 and December 19, 1986, both dates inclusive, at or near Saskatoon, Saskatchewan, having the care and custody of a pupil of compulsory school age, to wit, Jayce Kotelmach, did neglect to discharge their duty to ensure regular attendance of the pupil, Jayce Kotelmach, at a school authorized by the Saskatoon Board of Education or Saskatoon Separate School Board, and did thereby commit an offence contrary to Section 155 of the *Education Act*, R.S.S. 1978, c. E-0.1;

and that they did

2. between January 5, 1987, and March 20, 1987, both dates inclusive, at Saskatoon, Saskatchewan, having the care and custody of a pupil of compulsory school age, to wit, Jayce Kotelmach, did neglect to discharge their duty to ensure regular attendance of the pupil, Jayce Kotelmach, at a school authorized by the Saskatoon School Board of Education or Saskatoon Separate School Board, and did thereby commit an offence, contrary to Section 155 of the *Education Act*, R.S.S. 1978, c. E-0.2."

[2] Section 155 of the *Education Act*, R.S.S. 1978, c. E-0.1 as amended reads:

"155(1) Except as otherwise provided in this Act, every parent, guardian or other person having charge of a pupil who is of compulsory school age shall take all steps that are necessary to ensure regular attendance of that pupil:

(a) at the school determined or authorized by the board of education of the division in which the pupil resides; and

(b) for the period during which the school described in clause (a) is in operation in each year.

"(2) A parent, guardian or other person who neglects to discharge his duty and responsibility pursuant to subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$100.

"(3) ...

"(4) ..."

[3] Subsections (a) and (g) of s. 156 of the *Education Act* are the most pertinent to this appeal. Section 156 reads as follows:

"156 A pupil may be exempted from attendance at a school, and no parent, guardian or other person shall be liable to any penalty imposed by this Act, where:

(a) the pupil is under a program of instruction approved by the director or superintendent at home or elsewhere;

(b) the pupil is unable to attend school by reason of illness, certified by a physician if required by the board of education, or other unavoidable cause considered sufficient by the local attendance counsellor;

(c) the distance to a school which the pupil is entitled to attend or to a school bus route is in excess of four kilometres, as measured by the nearest passable road from the place of residence of the pupil to the said school or school bus route, as the case may be;

(d) the pupil has been suspended or expelled from school;

(e) the pupil has been excluded from attendance at school under The Public Health Act;

(f) the director or superintendent, upon due inquiry or investigation, is of the opinion, and certifies in writing to that effect, that continued attendance at school is not productive or is detrimental to the pupil or to the school;

(g) the pupil is engaged in work-experience or other educational programs authorized or approved by the board of education.

(h) the pupil is absent from school on a holy day of the church or religious denomination of which he or his parent or guardian is a member;

(i) the pupil is absent from school with the approval of his parent or guardian for the purpose of receiving medical or dental treatment; or

(j) the pupil accompanies his parent or guardian on extended travel outside the division but, where such travel requires more than five school days, the parent or guardian shall inform the principal of the period of absence from school which is anticipated as a result of such travel and shall, where considered advisable by the principal, consult with him and such of his teaching staff as may be appropriate with respect to measures to be taken to maintain reasonable continuity in the progress of that pupil in his courses, and those measures shall be the responsibility of the parent or guardian during the period of the pupil's absence from school."

[4] The grounds of appeal are:

"1. That the Learned Judge at trial did err in finding that the Private Prosecution had established a case for conviction beyond a reasonable doubt;

"2. That the Learned Judge at trial erred in applying the law with respect to the within charge and in particular, the constitutional rights of the Accused, guaranteed under the Sections 2, 7, 15 and 27 of the *Canadian Charter of Rights and Freedoms* (sic) and Provincial Human Rights legislation."

[5] During the hearing of the appeal counsel for the appellants limited his argument with respect to the *Charter* to ss. 2 and 7 of the *Charter*.

[6] Although not raised as a ground of appeal in the notice of appeal, counsel for the appellants argued that it was not proper to have this matter initiated by way of a private prosecution.

[7] Counsel for the appellants referred to s. 161(1) of the *Education Act* which reads:

"161(1) The local attendance counsellor shall, under the supervision of the director or superintendent, be responsible for the administration, within the division, of the provisions of this Act pertaining to school attendance and for the implementation of the bylaws of the board of education with respect to school attendance and, without restricting the generality of the foregoing, every local attendance counsellor shall:

(a) conduct investigations with respect to reports and referrals by principals concerning attendance problems in the schools of the division;

(b) make every reasonable effort to elicit the co-operation of the pupil and his parents or guardian in the solution of attendance problems of that pupil;

(c) report to the principal and to the parent or guardian of a pupil concerning his

findings on an investigation or inquiry with respect to the attendance of that pupil and the circumstances of a complaint or referral in that connection;

(d) institute, or cause to be instituted, proceedings against a parent, guardian or other person having charge or control of a pupil, or against any other person who violates any of the provisions of this Act pertaining to school attendance;

(e) prepare and submit to the department annually, or at such times as the minister may require, a report or reports in the prescribed form of attendance problems in which legal proceedings were instituted by him and on the general state of school attendance in the division."

He submitted that because the *Act* provides that the local attendance counsellor is responsible for the institution of proceedings, Harold Dean Mattison had no standing to institute these proceedings. In his brief and during his argument on the appeal, counsel for the appellants submitted that because s. 155(1) commences with the words "Except as otherwise provided in this Act ..." that phrase "clearly sets up the regulatory framework that must be viewed as a whole when dealing with any prosecution under the *Education Act*". I do not agree. The aforesaid phrase refers only to s. 155. It has nothing to do with s. 161.

[8] Although it is clear that the attendance counsellor has the right and the duty, in certain instances, to initiate proceedings, there is nothing in the *Education Act* which gives him the exclusive right to institute such proceedings.

[9] Subsections (1) and (3) of s. 3 of the *Summary Offences Procedure Act*, R.S.S. 1978, c. S-63 read as follows:

"3(1) Except as otherwise specially provided in this or in any other Act or regulation made thereunder, proceedings for the imposition or punishment by fine, penalty or imprisonment for enforcing an Act or regulation may be brought summarily before a judge under the provisions of the Criminal Code relating to summary convictions; and the words "on summary conviction" wherever they occur in an Act or regulation shall refer to and mean under and by virtue of the said provisions.

"(2) ...

"(3) Unless otherwise specially provided, Parts XIX, XXIII and XXIV, excepting subsection 722(9) and section 772, and sections 20, 21, 22, 440, 460 (insofar as it relates to a witness), 645, 649 and 650 of the Criminal Code, as amended from time to time, apply mutatis mutandis to summary conviction proceedings before judges under or by virtue of any law in force in Saskatchewan or under municipal bylaws and, subject to section 3.1, to appeals from convictions or orders made thereunder."

(emphasis added)

[10] Part XXIV of the *Criminal Code* is now Part XXVII. Section 785 of that Part defines "informant" and "proceedings" as follows:

"785 In this Part,

.....

"informant" means a person who lays an information.

"proceedings" means

(a) proceedings in respect of offences that are declared by an Act of Parliament or an enactment made thereunder to be punishable on summary conviction, and

(b) proceedings where a justice is authorized by an Act of Parliament or an enactment made thereunder to make an order."

[11] Section 788(1) of the *Criminal Code* reads:

"s. 788(1) Proceedings under this Part shall be commenced by laying an information in Form 2."

The *Criminal Code* clearly allows anyone to lay an information in Form 2 with respect to "proceedings" as defined therein. The *Summary Offences Procedure Act* allows anyone to initiate "... proceedings for the imposition or punishment by fine, penalty or imprisonment for enforcing an Act ..." in the same manner as provided "... under the provisions of the *Criminal Code* relating to summary convictions The *Act* referred to in this context is an Act of the Legislature.

[12] In the case before me Harold Dean Mattison, as informant, swore each of the two informations in Form 2 which initiated the proceedings. I find that the proceedings have been properly commenced.

[13] It is regrettable that in spite of the fact that twelve witnesses testified over a period of three days which resulted in transcripts consisting of three volumes totaling four hundred pages, Judge E.A. Lewchuk made no findings of fact in his judgment. He stated:

"The Court: As you no doubt realize, there's been a great deal of evidence led on this matter, and there's a fair amount of law to consider. After considering the evidence and the law, it is the opinion of the court that all the elements of the charge have been proven. The court would have to hold that the defence of no negligence or due diligence is not open to the accused, where they knowingly performed the prohibited act.

"I would also follow the *Jones* case as to what it stands for, as' advanced by the

Prosecutor. The province has the right to impose minimum curriculum guidelines, teacher and school accreditation."

- [14] The trial judge then went on to quote from *R. v. Jones*, [1986]; 2 S.C.R. 284; 69 N.R. 241; 47 Alta.L.R.(2d) 97; 73 A.R. 133; 31 D.L.R.(4th) 569; 28 C.C.C.(3d) 513; 25 C.R.R. 63, after which he stated:

"In conclusion, I would have to hold that the legislation may offend the *Canadian Charter of Rights and Freedoms*, but it is saved and is valid by reason of the saving sections.

"Now, you know, I'm not unsympathetic to the position of the accused and, you know, I would hope that there's some way that the school can resolve their situation with the Board of Education and fit within the sections.

"Now I'm considering a fairly nominal penalty. I presume there's no objection."

- [15] Since the facts in this case are generally uncontradicted I have reviewed the evidence with a view to reaching a decision notwithstanding the fact that the trial judge made no findings of fact.
- [16] The respondent informant, Harold Dean Mattison, was married to the appellant, Diane May Kotelmach on June 22, 1974. During the marriage two children were born including Jayce Mattison, now Jayce Kotelmach, who is named as a pupil in each of the two counts. He was born on April 1, 1977.
- [17] Harold Dean Mattison and Diane May Kotelmach were divorced by a decree absolute granted on October 18, 1982. Custody of the infant children was granted to Diane May Kotelmach and reasonable access and the right to play a full and active roll in the children's upbringing was granted to Harold Dean Mattison.
- [18] On January 22, 1983, Diane May Kotelmach was married to the appellant, Andrew Kotelmach. Subsequently the surnames of the two children were changed to "Kotelmach".
- [19] When Jayce Kotelmach attained school age in 1983 he was enrolled in St. Mark's Catholic School in Saskatoon, Saskatchewan, which is a school under the jurisdiction of St. Paul's Separate School District No. 20. He attended at that school until the end of the school year in June of 1984. Sometime in late 1984 or early 1985 Jayce Kotelmach was enrolled in the Christian Centre Academy in Saskatoon where he remains enrolled contrary to the wishes of his natural father, Harold Dean Mattison. There is no dispute that Jayce Kotelmach had been enrolled in the Christian Centre Academy between November 1, 1986 and December 19, 1986, as well as between January 5, 1987 and March 20, 1987.
- [20] Dr. Raymond Fast, director of the Saskatoon Board of Education for over 14 years, testified that The Saskatoon Public School Board and The Saskatoon

Catholic School Board, known as St. Paul's Roman Catholic School District No. 20, are coterminous. He stated that the Christian Centre Academy is not under the Board's jurisdiction. According to him Jayce (Mattison) Kotelmach was never enrolled in one of Saskatoon's public schools and was never exempted from attendance pursuant to s. 156 of the *Education Act*. He also stated that there are 22, 23 or 24 private schools operating in Saskatchewan. Further he stated that neither he nor his colleagues have been taking action against parents of children who attend the Christian Centre Academy.

[21] Kenneth McDonough, Director of Education for the Saskatoon Catholic School Board since December, 1982 - a position parallel to that held by Dr. Ray Fast - Chief Executive Officer to the Board, testified that the Christian Centre Academy is not under his authority. According to him Jayce (Mattison) Kotelmach was enrolled in St. Mark's School, a Catholic school, from March 21, 1983, until the end of June 1984, but has not been enrolled in any Catholic schools since. Further, Jayce Kotelmach was never exempted from attendance.

[22] Although both Dr. Fast and Raymond McDonough testified that Jayce was never exempted from attendance (pursuant to s. 156 of the *Education Act*) the evidence establishes that both were approached for his exemption but both decided that Jayce did not fall under their respective jurisdictions. Accordingly, Jayce was not exempted but continued to attend the Christian Centre Academy.

[23] Bill Krynowsky, Superintendent of Curriculum Development and Evaluation for the Saskatoon Board of Education for three years at the time of the trial had the responsibility to ensure that programs and curriculum taught in the Saskatoon Public Schools are the approved programs of instruction as established by the Minister and the Department of Education. He testified that he was familiar with a program or system of instruction known as the "Accelerated Christian Education" and that he would not grant approval to teach a course based on that system.

[24] Kenneth Schultz, Dean of the Christian Centre Academy is responsible for the administration of the Academy. Although he has his Grade twelve and two years of Bible College, he has no teaching degree and is, therefore, not an accredited teacher. According to him the Christian Centre Academy is part of the total ministry of the Christian Centre Ministries. Out of a total staff of eighteen only three have a teaching certificate. The curriculum of the Academy is known as "Accelerated Christian Education". Kenneth Schultz admitted differences in that curriculum and the curriculum used in the Public and Separate Schools in Saskatoon. He answers only to the Pastor of their organization - not to the Director of the Public School Board, nor to the Director of the Separate School Board. The Department of Education has not authorized or approved the Accelerated Christian Education System. He confirmed that Jayce Kotelmach was enrolled in the Christian Centre Academy during the periods set out in the two informations. The Academy is funded through private tuitions, private donations and private fundraising projects.

[25] Kenneth Schultz testified that when the students of Christian Centre Academy

complete grade twelve, entry to university has been refused in the main.

[26] The evidence establishes that the Christian Centre Academy has been in operation for a number of years and the local attendance counsellor has never "instituted or caused to be instituted", proceedings against the appellants pursuant to s. 161(1)(d) of the *Education Act*.

[27] Christopher Gerrard, a professor and head of the Economics Department at the University of Saskatchewan in Saskatoon is the president of the Saskatchewan Association of the Independent Church Schools which brings together some seventeen or eighteen church schools like Christian Centre Academy. He has a number of degrees including a Ph.D. in Agricultural Economics. Gerrard stated that the Saskatchewan Association of Independent Church Schools has Christian curriculum that is also an individualized curriculum. That Association has been involved in negotiations for recognition and accreditation for the last five years. According to Gerrard the Saskatchewan Government commissioned a study of private schooling in Saskatchewan and the negotiations are about to reach a conclusion. From his evidence I conclude that very few, if any, students graduating from Christian Centre Academy qualify to go directly to the University of Saskatchewan. Some students get there through, as he put it, "a number of back doors".

[28] Having reviewed the evidence I conclude that all of the essential elements of the two counts in the information have been proven beyond reasonable doubt.

[29] Counsel for the appellants argued that because neither Dr. Fast nor Kenneth McDonough could state which school Jayce Kotelmach should attend, the information is void for uncertainty. This argument is without merit. Pursuant to s. 155 of the *Education Act* it is the duty of the parent, guardian or other person who has charge of a pupil who is of compulsory school age to take steps that are necessary to ensure the regular attendance of that pupil at a school authorized by the board of education of the division in which the pupil resides. The evidence establishes beyond reasonable doubt that the Christian Centre Academy is not such a school. The evidence further establishes that Jayce Kotelmach could have been and could be enrolled in a school under the Public School Board or in a school in St. Paul's Roman Catholic School District No. 20. These schools are determined or authorized by the board of education of the division in which Jayce Kotelmach resides as required by the *Act*.

[30] I shall now deal with the appellants' Charter arguments.

Freedom Of Religion

[31] Section 2(a) of the *Canadian Charter of Rights and Freedoms* reads as follows:

"2 Everyone has the following fundamental freedoms:

(a) freedom of conscience and religion."

[32] I am of the view that the issue of freedom of religion as it relates to compulsory education has been decided by the Supreme Court of Canada in *R. v. Jones*, supra. The facts in that case are somewhat different from those before this court. However, I conclude that the law enunciated in the *Jones* decision is applicable here.

[33] Because the facts in the case before me differ somewhat from those in the *Jones* decision and because the wording of the sections of the *Education Act* differ somewhat from those in the Alberta *School Act*, I find it appropriate to quote at some length from the judgment of La Forest, J., in *R. v. Jones*, supra. At pp. 290-292 [S.C.R.] La Forest, J., sets out the facts as follows:

"... This case raises, for the first time in this Court, the application to provincial compulsory education legislation of ss. 2(a) (the freedom of religion provision) and 7 (the right to liberty and security provision) of the *Canadian Charter of Rights and Freedoms*.

"The appellant accused, Thomas Larry Jones, was charged on March 8, 1983 with three counts of truancy on the part of his three children contrary to s. 180(1) of the Alberta *School Act*, R.S.A. 1980, c. S-3. Broadly, his defence is that the requirement that his children attend public school, or even the requirement that he apply for exemption from such attendance as provided by the *Act*, contravenes his religious beliefs and deprives him of his liberty to educate his children as he pleases contrary to the principles of fundamental justice. This, he says, infringes his rights under ss. 2 and 7 of the *Charter*.

Background

"The accused educates his own and twenty or more other children in a schooling program called the "Western Baptist Academy" which operates in the basement of a fundamentalist church of which he is the pastor. He asserts a belief that his authority over his children and his duty to attend to their education comes from God, and that it would be sinful for him to request the state to permit him to do God's will. He, therefore, refused to send his children to public school as required by s. 142(1) of the *School Act*, which reads as follows:

'142(1) Every child who has attained the age of 6 years at school opening date and who has not attained the age of 16 years is a pupil for the purposes of this Act and unless excused for any of the reasons mentioned in section 143 shall attend a school over which a board has control.'

"Section 143 provides alternatives to attending a school over which a school board has control. The relevant parts of that section read as follows:

'143(1) A pupil is excused from attendance at school if

(a) a Department of Education inspector or a Superintendent of Schools (whether appointed by a board or the Department of Education) certifies in writing that the pupil is under efficient instruction at home or elsewhere,

.....

(e) he is attending a private school approved under the Department of Education Act ...'

"The accused objects to availing himself of these alternatives. He refuses to apply for approval of his academy by the Department of Education as a private school as permitted by s. 143(1)(e) because, as noted, requesting the state for permission to do what he is authorized by God to do would, he asserts, violate his religious convictions.

"Nor will he take steps to seek exemption under s. 143(1)(a) under which a pupil may be excused from attending a school over which a board has control if a certificate has been obtained under that provision that he is receiving efficient instruction at home or elsewhere. Section 143(1)(a) has given rise to what the trial judge has described as a standoff between "a stiff-necked parson and a stiff-necked education establishment, both demanding the other make the first move in the inquiry to determine whether the children are receiving efficient instruction outside the public or separate school system". The accused has no objection to the school authorities inspecting his academy and testing his pupils to ascertain their level of achievement, but he asserts that his religious convictions prevent him from making such a request of the school authorities. For their part, the Calgary Board of Education and the Department of Education decline to send inspectors to ascertain whether the children are under efficient instruction unless requested to do so, although they have sent the school attendance officer without request.

"This stalemate culminated in the accused being charged under s. 180(1) of the *School Act* for contravening s. 142, the relevant portion of which has already been reproduced. Section 180(1) reads as follows:

'180(1) A parent whose child contravenes any of the provisions of this Act relating to school attendance is guilty of an offence and liable to a fine of not more than

(a) \$100 for a first offence,

(b) \$250 for a 2nd offence, and

(c) \$500 for a 3rd and every subsequent offence,

and in default of payment to imprisonment for a term not exceeding 60 days."

[34] The accused was acquitted on the three counts of truancy by the Provincial Court judge. The Court of Appeal reversed the judgment and entered convictions against the appellant on all three counts. The convictions were upheld on appeal to the Supreme Court of Canada.

[35] La Forest, J., concluded that the freedom of religion argument pursuant to s. 2(a) of the *Charter*, could not succeed. At pp. 294-300, he stated:

"The Alberta *School Act*, as the name implies, was enacted to regulate the education of young people in the schools of the province. That is a purely secular goal. It does not have a religious purpose. But I agree with the appellant that if its effect is to interfere with his religious activities or convictions, it raises an issue under s. 2(a) of the *Charter*. As Dickson, J., (now C.J.) stated in *R. v. Big M Drug Mart Ltd.*, [1985] 1 S.C.R. 295, at p. 331, 'both purpose and effect are relevant in determining constitutionality'.

"I do not agree, however, with the appellant's contention that the *School Act* gives the government absolute control over the education of children. It does not purport to force children to attend a school over which a board has control. Section 143(1) allows for instruction at home or elsewhere, so long as that instruction is certified to be efficient, or to attend a private school approved by the department. In essence, as the trial judge observed, it does not provide for compulsory attendance at schools controlled by a board, but for compulsory education.

"The appellant's real point, however, is that he rejects the requirement of registration of his academy as a private school or certification that he is giving efficient instruction at home or elsewhere because, he asserts, this involves his acknowledging that the government, rather than God, has the final authority over the education of his children. Such an acknowledgment, he claims would be inconsistent with his religious convictions.

"Assuming the sincerity of his convictions, I would agree that the effect of the *School Act* does constitute some interference with the appellant's freedom of religion. For a court is in no position to question the validity of a religious belief, notwithstanding that few share that belief. But a court is not precluded from examining into the sincerity of a religious belief when a person claims exemption from the operation of a valid law on that basis. Indeed it has a duty to do so. The trial judge went into the question in this case and concluded, we saw, that 'The accused has failed to establish a factual basis for his claim that the requirement of certification or approval offends his religious beliefs.' Counsel for the appellant, however, urges us to hold that the trial judge erred in this conclusion. It would require strong grounds to justify this Court in reversing the finding of a trial judge, which was moreover not questioned by the Court of Appeal, on a factual question like this one.

.....

"If the appellant has an interest in, and a religious conviction that he must himself provide for the education of his children, it should not be forgotten that the state, too, has an interest in the education of its citizens. Whether one views it from an economic, social, cultural or civic point of view, the education of the young is critically important in our society. From an early period, the provinces have responded to this interest by developing schemes for compulsory education. Education is today a matter of prime concern to government everywhere. Activities in this area account for a very significant part of every provincial budget. Indeed, in modern society, education has far-reaching implications beyond the province, not only at the national, but at the international level."

.....

"The interest of the province in the education of the young is thus compelling. It should require no further demonstration that it may, in advancing this interest, place reasonable limits on the freedom of those who, like the appellant, believe that they should themselves attend to the education of their children and to do so in conformity with their religious convictions. Section 1 of the *Charter* allows for this. It provides that the rights and freedoms set out in the *Charter* are subject 'to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society'.

"In weighing whether the limits imposed on the appellant in the present case are reasonable within the section, it is worth repeating that the *School Act* does not deny the right of the appellant to provide home instruction to his children. Indeed, s. 143(1)(a) expressly allows for this and he has the right, as well, to seek registration of his academy as a private school.

.....

"As noted earlier, the province, and indeed the nation, has a compelling interest in the 'efficient instruction' of the young. A requirement that a person who gives instruction at home or elsewhere have that instruction certified as being efficient is, in my view, demonstrably justified in a free and democratic society. So too, I would think, is a subsidiary requirement that those who wish to give such instruction make application to the appropriate authorities for certification that such instruction complies with provincial standards of efficiency. Such a requirement constitutes a minimal, or as the trial judge put it, peripheral intrusion on religion. To permit anyone to ignore it on the basis of religious conviction would create an unwarranted burden on the operation of a legitimate legislative scheme to assure a reasonable standard of education.

.....

"No proof is required to show the importance of education in our society or its significance to government. The legitimate, indeed compelling, interest of the state

in the education of the young is known and understood by all informed citizens. Nor is evidence necessary to establish the difficulty of administering a general provincial educational scheme if the onus lies on the educational authorities to enforce compliance. The obvious way to administer it is by requiring those who seek exemptions from the general scheme to make application for the purpose. Such a requirement constitutes a reasonable limit on a parent's religious convictions concerning the upbringing of his or her children. The extent to which a state could intrude on the appellant's religious convictions in determining what is efficient instruction does not arise here. A balance could only be attempted in a specific context."

[36] Just as the provisions of the *Alberta School Act* which were quoted in the *Jones* decision were enacted to regulate the education of young people in Alberta with secular goals in mind without religious purposes, so too were those sections of the *Education Act* which I have quoted herein enacted to regulate the education of young people in Saskatchewan with secular goals in mind without religious purposes. Neither *Act* gives the government absolute control over the education of young people. Just as s. 143(1) of the *Alberta School Act* allows for instruction at home or elsewhere, so does s. 156 of the *Education Act*. Neither *Act* provides for compulsory education at schools controlled by a board. Both *Acts* simply provide for compulsory education.

[37] In the case before me the evidence establishes that the Christian Academy School has been and is continuing to deal with the authorities to have its program of instruction approved. As stated by La Forest, J., the state has an interest in the education of its citizens. It is only reasonable, therefore, that the state should be able to legislate a minimum standard of education and enforce it by certain requirements such as mandatory attendance requirements. The legislation of this Province does not preclude the appellants from providing home instruction to Jayce Kotelmach. Nor does it deny the appellants the right to have Jayce taught the religion of their choice. The limits prescribed by the *Education Act* with respect to compulsory attendance legislation are, in my view, "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society" as envisioned by s. 1 of the *Charter*.

Right To Liberty

[38] Section 7 of the *Charter* reads:

"7 Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

[39] La Forest, J., dealt with s. 7 of the *Charter* in the *Jones* decision. At p. 301 he stated:

"Counsel for the appellant submits that by being subjected to penal sanctions for

failing to send his children to a school under the control of a board, he is being deprived of his liberty in a way that is not in accordance with fundamental justice. This deprivation, he says, arises in two ways: first, by depriving the appellant of his right to bring up his children in a manner he sees fit, and secondly, by providing penal sanctions in s. 180 of the *Act*, a penal sanction, he notes, that can include imprisonment up to sixty days."

[40] Further on pp. 302-304 there is the following:

"I find it unnecessary to deal with the appellant's contention regarding the meaning of liberty, because in my view, even assuming that liberty as used in s. 7 does include the right of parents to educate their children as they see fit, he has not been deprived of that liberty in a manner that violates s. 7 of the *Charter*. Similarly, I need not deal with the possibility that he may be deprived of liberty by a term of imprisonment. Such a sanction may, under the *Act*, be imposed only on failure to pay a fine and in any event no such sanction was imposed here. The essential question for present purposes is whether, assuming the appellant's argument regarding the meaning of liberty is correct, he has been deprived of that liberty contrary to the principles of fundamental justice.

"There is, in my view, a fallacy lurking in the appellant's first two submissions regarding fundamental justice. They first invite us to view the process engaged in by the school authorities in certifying instruction as efficient as being rather in the nature of a judicial hearing, and then suggest that the school authorities must necessarily be biased or at least create in the appellant a reasonable apprehension of bias. I have no doubt that if in exercising their functions the school authorities sought to impose arbitrary standards, i.e., standards extraneous to the educational policy under the *Act*, or if they in other respects acted in a manner that was fundamentally unfair, such as failing to examine the facts or to fairly consider the appellant's representations, the courts could intervene. But I am unable to categorize the issue as the appellant does.

"I have already indicated that the province has a compelling interest in the quality of education and what it has done by the *Act* is to provide a system to ensure that the requirements it considers necessary to advance this interest are complied with. This it did by providing for certain standards in the *School Act* and the *Regulations*, and by delegating to the school authorities the power to spell out the details in order to meet the variegated needs throughout the province. The policy obviously involves both content and efficiency of instruction, an expression that must be viewed in terms of the provincial educational policy, not in the dissociated manner the appellant seems to advance. The province may, if it chooses, deal with educational policy in the *Act* itself or by means of *Regulations* or by designating officials to particularize the requirements within the general confines of the *Act*. In a word, the school authorities are participating in the elucidation of an educational policy the province has a compelling interest in carrying out. Of course, these authorities have a vested interest in the system. But it seems normal enough to refer a question of efficient instruction within the meaning of the *School Act* to a

school inspector or a Superintendent of Schools who is knowledgeable of the requirements and workings of the educational system under the *School Act*.

"It is true that some provinces have adopted another method of doing this, by having the issue determined by a court. There are, no doubt, some advantages to the latter approach but there are disadvantages too. It creates a more cumbersome administrative structure. If the decision maker is more detached, he is also less knowledgeable and sensitive to the needs of the educational system. I do not think such a system can be imposed on the province in the present context. Some pragmatism is involved in balancing between fairness and efficiency. The provinces must be given room to make choices regarding the type of administrative structure that will suit their needs unless the use of such structure is in itself so manifestly unfair, having regard to the decisions it is called upon to make, as to violate the principles of fundamental justice.

"I do not think that is the case here. The province cannot, in my view, be faulted for adopting the philosophy frequently applied in the courts of the United States, namely, that "The courtroom is simply not the best arena for the debate of issues of educational policy and the measurement of educational quality"; see *State v. Shaver*, 294 N.W. 2d 883 (N.D.S.C. 1980), at p. 900. If in the exercise of the power, those making the decision act in a way the appellant believes violates his rights, he can raise the issue in the courts."

[41] Then at p. 305, La Forest, J., continued:

"To insist on prior court authorization in the case of an administrative requirement of the kind in question here is, in my view, not warranted. The *Charter*, as we saw, protects the rights and freedoms it guarantees only 'within the limits of reason'. I do not think the intrusion on the individual in a case like the present demands the safeguards surrounding a judicial decision. It is sufficient to protect the individual against unfairness or the disregard of his rights by the school authorities when they come to deal with his application."

[42] At p. 307, La Forest, J., stated:

"I have already stated that if it can be established that the school authorities' action is exercised in an unfair or arbitrary manner, then the courts can intervene. It may also be that at some stage certain requirements, whether imposed directly by the *School Act* or by *Regulations* or by officials of the Department of Education or of local school boards, may have to give way to the liberty of the individual to educate his children as he pleases to the extent that such liberty is protected by the *Charter*. That, we saw, is a question of balancing."

[43] In view of the foregoing, I conclude that the appellants are not being deprived of their liberty in a manner that violates s. 7 of the *Charter* because they are subjected to penal sanctions for failing to send Jayce Kotelmach to a school determined or authorized by the board of education of the division in which Jayce resides.

Unfair Or Arbitrary

[44] I now turn to the argument of counsel for the appellants that the educational authorities have been unfair or arbitrary in the administration of s. 156(a) of the *Education Act* relating to the requests to exempt Jayce Kotelmach. The director of education of the Saskatoon Catholic School Board testified that he had not granted the exemption because he believed he did not have jurisdiction over Jayce who was then attending the Christian Centre Academy. The director of the Saskatoon Public School Board testified that he would not grant an exemption to permit a student to attend a school which did not have an approved curriculum as required by law.

[45] There is absolutely no evidence that the actions of the school authorities were unfair or arbitrary. In the circumstances of this case, if either director had granted Jayce an exemption he would in effect be encouraging Jayce to act contrary to the law by opening the door to allow him to attend a school without an approved curriculum as required by law.

[46] Further, there is no evidence to suggest that approval of the "Accelerated Christian Education" program has been unfairly or arbitrarily withheld. On the contrary, the evidence establishes that negotiations are continuing with the authorities and, according to Christopher Gerrard, the negotiations are about to reach a conclusion.

Due Diligence

[47] Counsel for the appellants advanced the defence of "due diligence". His argument, as I understand it, is that the appellants have proven due diligence by attempting to comply with the law by requesting that Jayce Kotelmach be exempted pursuant to s. 156 of the *Education Act* and by reason of the fact that although the Christian Centre Academy did not have an approved program of instruction, the parents of the students attending that school were not being prosecuted, which in some oblique manner resulted in approval of the program of instruction in that school. This argument is without merit.

[48] In *R. v. Sault Ste. Marie*, [1978] 2 S.C.R. 1299; 3 C.R.(3d) 30; 21 N.R. 295; 7 C.E.L.R. 53; 40 C.C.C.(2d) 353; 85 D.L.R.(3d) 161 (S.C.C.), affing. 13 O.R.(2d) 113; 70 D.L.R.(3d) 430; 30 C.C.C.(2d) 257 (C.A.), which varied 13 O.R.(2d) 113, at p. 116; 70 D.L.R.(3d) 430, at p. 433 (Div. Ct.), Dickson, J., at pp. 1325-1326 stated:

"I conclude, for the reasons which I have sought to express, that there are compelling grounds for the recognition of three categories of offences other than the traditional two:

1. Offences in which mens rea, consisting of some positive state of mind such as intent, knowledge, or recklessness, must be proved by the prosecution either as an inference from the nature of the act committed, or by additional evidence.

2. Offences in which there is no necessity for the prosecution to prove the existence of mens rea; the doing of the prohibited act prima facie imports the offence, leaving it open to the accused to avoid liability by proving that he took all reasonable care. This involves consideration of what a reasonable man would have done in the circumstances. The defence will be available if the accused reasonably believed in a mistaken set of facts which, if true, would render the act or omission innocent, or if he took all reasonable steps to avoid the particular event. These offences may properly be called offences of strict liability Mr. Justice Estey so referred to them in *Hickey's* case.

3. Offences of absolute liability where it is not open to the accused to exculpate himself by showing that he was free of fault.

"Offences which are criminal in the true sense fall in the first category. Public welfare offences would prima facie be in the second category. They are not subject to the presumption of full mens rea. An offence of this type would fall in the first category only if such words as 'wilfully,' 'with intent,' 'knowingly,' or 'intentionally' are contained in the statutory provision creating the offence. On the other hand, the principle that punishment should in general not be inflicted on those without fault applies. Offences of absolute liability would be those in respect of which the Legislature had made it clear that guilt would follow proof merely of the proscribed act. The overall regulatory pattern adopted by the Legislature, the subject matter of the legislation, the importance of the penalty, and the precision of the language used will be primary considerations in determining whether the offence falls into the third category."

[49] Counsel argued that the appellants fell within the second category of offences. Here it cannot be said that the appellants "reasonably believed in a mistaken set of facts which, if true, would render the act or omission innocent" or that they "took all reasonable steps to avoid the particular event". On the contrary, the appellants knew that Jayce Kotelmach was not exempt pursuant to s. 156 of the *Education Act*. They knew that the Christian Centre Academy did not have an approved program as required by law. They knowingly broke the law.

[50] The appeal is dismissed.

Appeal dismissed.

THIS IS EXHIBIT “AA” REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-



Name: _____

Chemistry 30 - 8212

| A | B | C | D | E | F | G | H | Final |
|---|---|---|---|---|---|---|---|-------|
| | | | | | | | | |

CREDIT

Date Completed _____ Date Submitted _____ Initial _____

Physics 30 - 8213

| A | B | C | D | E | F | G | H | Final |
|---|---|---|---|---|---|---|---|-------|
| | | | | | | | | |

CREDIT

Date Completed _____ Date Submitted _____ Initial _____

Biology 30 - 8211

| A | B | C | D | E | F | G | H | Final |
|----|-----|----|----|---|---|---|---|-------|
| 88 | 66½ | 72 | 73 | | | | | |

CREDIT

Date Completed _____ Date Submitted _____ Initial _____

History 30 - 8306

| A | B | C | D | E | E | F | G | H | I | J |
|----|----|----|----|-----|----|-----|----|-----|----|-----|
| 96 | 85 | 79 | 55 | 79½ | 85 | 71½ | 93 | 80½ | 83 | 88½ |

869.5/1000

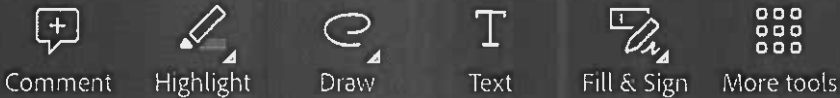
| | | | | |
|-------------------------|----------------------|--------------------|-----------------------|--------------------|
| Pace Av. 78.6 100 | Final 63.5 100 | Pace % 59 75 | Final % 15.9 25 | TOTAL 75 100 |
|-------------------------|----------------------|--------------------|-----------------------|--------------------|

86.95

81.11

Date Completed April/05 Date Submitted JUN 15 2005 Initial PO

CREDIT



Name: Kaitlin C

Math A30 - 8404

| | | | | | | |
|-----|-----|---|---|---|---|----|
| A | B | C | D | E | F | G |
| 84½ | 80½ | | | | | 79 |

Partial marks filled in, incomplete.

| | | | | |
|----------|-------|--------|---------|-------|
| Pace Av. | Final | Pace % | Final % | TOTAL |
| 100 | 100 | 75 | 25 | 100 |

CREDIT

Date Completed _____ Date Submitted _____ Initial _____

Math B30 - 8405

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| A | B | C | D | E | F | G | H | I | J |
| | | | | | | | | | |

| | | | | |
|----------|-------|--------|---------|-------|
| Pace Av. | Final | Pace % | Final % | TOTAL |
| 100 | 100 | 75 | 25 | 100 |

CREDIT

Date Completed _____ Date Submitted _____ Initial _____

Math C30 - 8406

| | | | | | |
|---|---|---|---|---|---|
| A | B | C | D | E | F |
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|----------|-------|--------|---------|-------|
| Pace Av. | Final | Pace % | Final % | TOTAL |
| 100 | 100 | 75 | 25 | 100 |

CREDIT

Date Completed _____ Date Submitted _____ Initial _____

New Testament Church History 30 - 8800

| | | | | | | | | | |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 121 | 122 | 123 | 124 | 125 | 126 | 127 | 128 | 129 | 130 |
| | | | | | | | | | |

| | | |
|-----|-----|-------|
| 131 | 132 | Final |
| | | |

CREDIT

Date Completed _____ Date Submitted _____ Initial _____

THIS IS EXHIBIT "**BB**" REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.

Madleen

A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-

EVALUATION: RESEARCH BOARD

STUDENT NAME: Caithlin Erickson

CONTENT

- summarizes life and achievements accurately and completely 15/15
- point form information contains clarifying details where necessary /10
- each section presents its facts in logical order 9/10
- some points and division for clarity

VISUAL APPEAL

- layout has "eye appeal" 9/10
- format is easy to follow 10/10
- font is clear and large enough for easy reading - *keep* 9/10
- pictures, illustrations clear and relevant *consistent* 10/10
- creativity evident in presentation 10/10

MECHANICS

- bibliography and endnotes written in required format 4/5
- headings are parallel in construction 3/5
- information is free of grammatical and mechanical errors 3/5

TOTAL:

81/100 -5 for not getting name approved

COMMENTS

Good summary of the life of Tommy Douglas, Caithlin.
A rather difficult choice to make with so much of what
he stood for was as a part of a political party that
was whose convictions stand in opposition to his own
values. Nevertheless, you have clearly outlined his positive achievements well.
Good job.

[Signature]
(Evaluator)

THIS IS EXHIBIT "CC" REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
~~-BEING A SOLICITOR-~~

Part II
Form A
[Section 5]



Access to Information Request Form

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
Form A
[Section 5]

Personal information and personal health information on this form is collected under *The Freedom of Information and Protection of Privacy Act* and *The Health Information Protection Act* and will be used or disclosed only as necessary to respond to your request.

INFORMATION ABOUT YOU

Last Name: Edmondson, First Name: Samuel, Name of Company or Organization: Scharfstein LLP, Address: 200 - 123 2nd Ave S, City: Saskatoon, Province: SK, Postal Code: S7K 7E6, Day Phone Number: (306) 665-2838, Email: sedmondson@scharfsteinlaw.com

INFORMATION ABOUT THE RECORDS YOU ARE REQUESTING

Are you requesting: [] your own personal information, [] personal information about someone other than yourself, [x] general information.

To which government institution are you making your request? Enter the name of the government institution that you believe has the records you are requesting.

Ministry of Education

What records do you wish to access? Please provide a detailed description of the records you wish to access. This information will help locate the records.

All records relating to the school operated by Mile Two Church Inc., formerly Saskatoon Christian Centre Inc., (Legacy Christian Academy, formerly Christian Centre Academy) including but not limited to records relating to licensing; funding; registration and approval as an independent school; teachers at the school(s) operated by Mile Two Church Inc., or its predecessors, accredited or for whom a waiver has been provided; and all complaints or reports made in relation to the school, the associated church, and their respective staff.

Digital copies, delivered by electronic mail or USB key, are preferred.

What is the time period for the records you are requesting (if applicable)?

1982 to present

FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY

F-22.01 REG 1

The person managing your request may contact you to seek clarification or to discuss aspects of the request, including the application of fees if necessary. Should fees be necessary, you may request a fee waiver but you may be required to provide evidence of substantial financial hardship among other factors (see section 9 of the regulations).

Please keep a copy of this request for your records.

Check if requesting waiver of processing fee:

I request that payment of the processing fee related to this request be waived because payment will cause me substantial financial hardship. Details are as follows: *(Use reverse of form if additional space is required.)*



Signature of Applicant

FOR OFFICE USE ONLY

Date Received

Application Number

30-Day Response Date

Print

Save

Reset Form

THIS IS EXHIBIT "DD" REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-



REVIEW REPORT 247-2022

Ministry of Education

March 29, 2023

Summary: The Ministry of Education (Education) received an access to information request under *The Freedom of Information and Protection of Privacy Act* (FOIP) from the Applicant. The Applicant requested the Commissioner conduct a review of the timeliness of Education's response. In this review, the Commissioner found that Education did not comply with subsection 7(2) of FOIP. The Commissioner recommended that Education finish processing the Applicant's request and proceed with its proposed review of its processes and procedures for processing access to information requests.

I BACKGROUND

[1] The Ministry of Education (Education) received an access to information request under *The Freedom of Information and Protection of Privacy Act* (FOIP) from the Applicant. The Applicant sought access to records dated from 1982 to the date of the request. They described the records as follows:

All records relating to the school operated by Mile Two Church Inc., formerly Saskatoon Christian Centre Inc., (Legacy Christian Academy, formerly Christian Centre Academy) including but not limited to records relating to licensing; funding; registration and approval as an independent school; teachers at the school(s) operated by Mile Two Church Inc., or its predecessors, accredited or for whom a waiver has been provided; and all complaints or reports made in relation to the school, the associated church, and their respective staff.

[2] It is not certain when the request was received. However, Education acknowledged that it was sent to it by courier on August 11th, 2022, and advised my office that it assumed that it was received on that day. For the purposes of this review, I will also assume that the

request was received on August 11, 2022. Education acknowledged receipt of the request by email dated August 16, 2022.

[3] By September 19, 2022, Education had not issued a decision pursuant to section 7 of FOIP. The Applicant wrote to Education that day advising it that the decision was overdue.

[4] On September 23, 2022, following a discussion between the Applicant and Education, Education sent an email to the Applicant which stated:

In follow-up to our phone conversation this morning, it was agreed to take a staged approach to this request to ensure we work through the records you are requesting in a timely manner. As a result, we have agreed to prioritize the retrieval and production of the following records:

all complaints or reports made in relation to the school, the associated church, their respective staff and inspection reports relating to the school operated by Mile Two Church Inc., formerly Saskatoon Christian Centre Inc., (Legacy Christian Academy, formerly Christian Centre Academy [Between 2022-2012].

[5] Education's email also stated that "it should be able to provide the above noted records within approximately 2 weeks." Education added:

we will then work through the records in 10-year intervals so the next batch would be 2012-2002, 2002-1992 and lastly 1992-1982. However, [we] will follow-up with written correspondence to confirm as we work through this process.

[6] Subsequently, Education issued three decisions pursuant to section 7 of FOIP. The dates and description of the decisions are as follows:

- Decision 1 dated October 14, 2022 - released 47 pages of inspection reports for the period from 2011 to 2022 and withheld some information pursuant to subsection 29(1) of FOIP
- Decision 2 dated November 17, 2022 - released 198 pages of "annual returns" for the period from 2010 to 2022 and withheld portions pursuant to subsections 19(1)(b) and 29(1) of FOIP
- Decision 3 dated December 12, 2022 - released "113-page consolidation of records respecting issues from 2012 to 2022" and withheld portions pursuant to subsection

27(1) of *The Health Information Protection Act* (HIPA), and subsections 16(1), 17(1)(a), (b)(i), (b)(iii), (c), 22(a), (b), (c) and 29(1) of FOIP

- [7] On December 12, 2022, the Applicant filed a request for review with my office. In their request for a review, the Applicant asked my office to review the timeliness of Education's decisions pursuant to section 7 of FOIP. On January 16, 2023, the Applicant confirmed they wanted to proceed with the review.
- [8] On January 27, 2023, my office sent a notice of review to Education and the Applicant advising that our office would be conducting a review to determine if Education complied with section 7 of FOIP.
- [9] On February 1, 2023, Education issued its fourth decision pursuant to section 7 of FOIP. In this decision, Education released 170 pages of "teacher supervision records" for the period from 2011-2022 and withheld portions pursuant to subsection 29(1) of FOIP.
- [10] On March 8, 2023, Education issued its fifth decision pursuant to section 7 of FOIP. In this decision, Education released 46 pages of teacher accreditation records for the period from 2015 to 2022. Portions of the records were withheld pursuant to subsection 29(1) of FOIP.
- [11] The Applicant did not provide a submission. Education provided a submission to my office on March 13, 2023.
- [12] On March 28, 2023, Education issued its sixth decision pursuant to section 7 of FOIP. In this decision, Education released 180 pages of inspection and supervision records dated from 2011-2022. Portions were withheld pursuant to subsections 17(1)(a), (b)(i) and 29(1) of FOIP.

II RECORDS AT ISSUE

- [13] As this review considers if Education complied with section 7 of FOIP, there are no records at issue.

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

[14] Education is a “government institution” as defined by subsection 2(1)(d)(i) of FOIP. Therefore, I have jurisdiction to conduct this review under FOIP.

2. Did Education comply with subsection 7(2) of FOIP?

[15] Subsection 7(2) of FOIP sets out the time in which a government institution shall respond to an access to information request and the way in which a head shall respond to the request. That subsection states:

7(2) The head shall give written notice to the Applicant within 30 days after the application is made:

[16] In calculating the due date for a response required by section 7(2) of FOIP, the rules set out in *The Legislation Act* section 2-28 govern the computation of time. These rules state:

- The first day the access request is received is excluded in the calculation of time [s. 2-28(3)].
- If the due date falls on a holiday, the time is extended to the next day that is not a holiday [s. 2-28(5)].
- If the due date falls on a weekend, the time is extended to the next day the office is open [s. 2-28(6)].
- As FOIP expresses the time in a number of days, this is interpreted as 30 calendar days, not business days.

(*Guide to FOIP*, Chapter 3, “Access to Records”, updated June 29, 2021 [*Guide to FOIP*, Ch. 3], p. 28)

[17] In its submission, Education acknowledged that it did not issue a decision to the Applicant within the 30-day time period as required by subsection 7(2) of FOIP. As Education received the Applicant’s request on August 11, 2022, it should have issued its decision

pursuant to subsection 7(2) of FOIP on September 10, 2022. In these circumstances, I find that Education did not comply with subsection 7(2) of FOIP.

[18] Education asserted that it continues to release records as soon as possible. It estimated that the following responsive records still need to be reviewed and released where appropriate: 3000-3500 pages of emails, 113,000 pages of documents and numerous multi-page attachments to the emails and documents (note yet estimated). Education stated that it is nearing the end of its review of records for the first decade and estimated that a minimum of six months will be required to complete its response to the request.

[19] As to why it did not respond within the legislated timeline, Education asserted:

- The scope of the request is broad – there are tens of thousands of pages of records.
- In mid-September, it obtained an additional resource to assist with developing a response.
- It worked to develop a fee estimate but by the end of the first 30 days, records were still being identified and it was not able to prepare a fee estimate in time.
- It did not retrieve all responsive records until late October 2022.
- It estimated that it will require 6 additional months to respond to this request.

[20] I recognize that Education must review a large number of records to process this access to information request. In circumstances such as these, FOIP provides a number of tools to government institutions to support processing requests in a timely manner. For example, government institutions can provide a notice of extension of the time to respond pursuant to subsection 12(1) of FOIP or seek to clarify or narrow the scope of the request pursuant to subsection 5.1(1) of FOIP. They can also issue a fee estimate pursuant to subsection 9(2) of FOIP.

[21] In its submission, Education stated that it will review its processes and procedures relating to access to information requests, especially in the context of requests for a large volume of older records. It should also consider a review of its record management practices so that it can search for responsive records in an efficient manner.

IV FINDINGS

[22] I find that I have jurisdiction to conduct this review.

[23] I find that Education did not comply with subsection 7(2) of FOIP.

V RECOMMENDATIONS

[24] I recommend that Education complete its processing of the Applicant's access to information request.

[25] I recommend that Education conduct its proposed review of the processes and procedures relating to access to information requests and consider a review of its records management practices.

Dated at Regina, in the Province of Saskatchewan, this 29th day of March, 2023.

Ronald J. Kruzeniski, K.C.
Saskatchewan Information and Privacy
Commissioner

THIS IS EXHIBIT “EE” REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 137-2024

Ministry of Education

September 18, 2024

Summary:

In August 2022, the Applicant submitted an access to information request to the Ministry of Education (Education). Education began to process the access request, providing records to the Applicant in batches. In my office's Review Report 247-2022, the A/Commissioner had found that Education did not meet the legislated timeline in responding to the Applicant. After the review, Education continued to process the Applicant's access request and continued to provide records to the Applicant in batches. The Applicant then requested that the A/Commissioner review redactions applied by Education, Education's efforts to search and locate records, and Education's removal of records that it asserted to be duplicates, which is this review (IPC File 137-2024). The A/Commissioner made a number of findings, including that Education properly applied subsections 15(1)(c), 16(1), 17(1)(a), (b), 19(1)(b), 22(a), and 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP) and subsection 27(1) of *The Health Information Protection Act* (HIPA) to portions of the records at issue. However, he also found that Education improperly applied subsections 29(1), 22(a), (b), (c), 19(1)(b), (c)(i), (c)(ii), (c)(iii), (d), 18(1)(b), (d), 17(1)(a), (b) and 16(1) to other portions of the records at issue. The A/Commissioner's office prepared a copy of the records at issue red-lining the portions where the A/Commissioner found Education properly applied its exemptions and recommended that Education continue to withhold those portions accordingly. The A/Commissioner recommended that Education release the portions of the records at issue that were not red-lined by the A/Commissioner's office. The A/Commissioner also found that Education made efforts to locate records responsive to the Applicant's access request; however, he found that Education did not demonstrate it made a reasonable effort to search for records dating from 1989 to 2011. He recommended that Education conduct another search for records dating from 1989 to 2011 that are responsive to the Applicant's access request within 30 days of issuance of this Report. The A/Commissioner made several other recommendations to Education, including that it ensures its record-keeping policies require records to be stored in a way such that records are retrievable.

I BACKGROUND

- [1] On March 29, 2023, my office issued Review Report 247-2022 involving the Ministry of Education (Education). Education had received the following access to information request under *The Freedom of Information and Protection of Privacy Act* (FOIP) from the Applicant:

All records relating to the school operated by Mile Two Church Inc., formerly Saskatoon Christian Centre Inc., (Legacy Christian Academy, formerly Christian Centre Academy) including but not limited to records relating to licensing; funding; registration and approval as an independent school; teachers at the school(s) operated by Mile Two Church Inc., or its predecessors, accredited or for whom a waiver has been provided; and all complaints or reports made in relation to the school, the associated church, and their respective staff.

- [2] The Applicant specified the time period for the records they were requesting was 1982 to the present.
- [3] In Review Report 247-2022, I discussed how Education took a staged approach in responding to the Applicant's access request. Due to the voluminous number, Education provided the Applicant with six batches of records, one batch at a time, over the course of seven months to the Applicant. My office had found that Education's responses to the Applicant's access request did not comply with the requirements of subsection 7(2) of FOIP; namely, that Education did not meet the legislated timeline to respond to an access request.
- [4] After my office issued its report, Education continued to provide batches of records to the Applicant. This Report deals with Batches 7 to 32, with the exception of Batch 27. There was an error in numbering the batches and the number 27 was skipped over by Education.
- [5] In a letter dated April 11, 2024, the Applicant requested a review by my office. The Applicant requested a review of the exemptions that Education applied to the records as well as Education's efforts to search for records.

[6] Below is a table summarizing the responses issued by Education to the Applicant and the exemptions applied to the records in batches 7 to 32 pursuant to FOIP and *The Health Information Protection Act* (HIPA).

| Date of Response | Education Batch # | Exemptions Claimed | Non-exemption Items |
|--------------------|-------------------|--------------------------------------------------------------------------------------------|----------------------------------------------------------|
| April 13, 2023 | 7 | 29(1) FOIP | Non-responsive records |
| June 1, 2023 | 8 | 19(1)(b), 29(1) of FOIP | -- |
| August 15, 2023 | 9 | 17(1)(a), 29(1) of FOIP | -- |
| August 15, 2023 | 10 | 15(1)(c), (k), 16(1), 17(1)(a), 17(1)(b)(i), (iii), 19(1)(b), 29(1) of FOIP; 27(1) of HIPA | -- |
| August 15, 2023 | 11 | 29(1) of FOIP | -- |
| August 16, 2023 | 12 | 16(1), 17(1)(a),(b)(i), 29(1) of FOIP | duplicate copies not included |
| September 13, 2023 | 13 | 22(a), 29(1) of FOIP | -- |
| October 10, 2023 | 14 | 29(1) of FOIP | Non-responsive records |
| October 20, 2023 | 15 | 29(1) of FOIP | Non-responsive records |
| October 20, 2023 | 16 | 19(1)(b), 29(1) of FOIP | Non-responsive records |
| October 20, 2023 | 17 | 29(1) of FOIP | ss 7(2)(e) of FOIP, records in this batch denied in full |
| October 23, 2023 | 18 | 16(1), 29(1) of FOIP | -- |
| November 2, 2023 | 19 | 29(1) of FOIP | Duplicate copies not included |
| November 2, 2023 | 20 | 29(1) of FOIP | Duplicate copied not included |
| December 20, 2023 | 21 | 29(1) of FOIP | -- |
| December 20, 2023 | 22 | 18(1)(b)(i), (b)(ii), 19(1)(b), 29(1) of FOIP | Non-responsive records |
| December 20, 2023 | 23 | 17(1)(b)(i), 29(1) of FOIP | Non-responsive records |
| December 20, 2023 | 24 | 29(1) of FOIP | Non-responsive records |
| December 20, 2023 | 25 | 29(1) of FOIP | Non-responsive records |
| December 20, 2023 | 26 | 16(1), 17(1)(a), (b)(ii), (g), 18(1)(b)(i), (b)(ii), 18(1)(e), 19(1)(b), (c)(i), | Non-responsive records |

| | | | |
|--------------------------------------------------------------------|----|---------------------------------------------------|------------------------|
| | | (c)(ii), (c)(iii), 22(a), (b), (c), 29(1) of FOIP | |
| NOTE: No Batch 27 per Education due to clerical error in numbering | -- | -- | -- |
| January 3, 2024 | 28 | 17(1)(b)(ii), 18(1)(d), 29(1) of FOIP | Non-responsive records |
| January 4, 2024 | 29 | 17(1)(a), 19(1)(d) and 29(1) of FOIP | Non-responsive records |
| January 4, 2024 | 30 | 29(1) of FOIP | Non-responsive records |
| March 25, 2024 | 31 | 19(1)(b), 29(1) of FOIP | Non-responsive records |
| March 25, 2024 | 32 | 29(1) of LA FOIP | Non-responsive records |

[7] On May 31, 2024, my office sent a notice to Education and to the Applicant that my office would be undertaking a review. My office also notified the third parties (listed below) of this review and provided them with an opportunity to provide a submission.

- Allegro Montessori School
- Brilliant Star Montessori School
- Curtis-Horne Christian School
- Discovery Learning
- Elevation Academy Canadian Revival
- Flex Ed School
- Legacy Christian Academy
- Montessori School of Regina
- Morning Star Christian Academy
- Northeast Christian Academy
- Prairie Christian Academy
- Prairie Sky School
- Riverside Christian School - Formerly 7th Day Adventist
- Westgate Heights Academy
- Saskatoon Christian School
- Grace Christian
- Regent Academy
- Westdale Christian - Formerly Lifeway Christian
- Legacy Christian Academy
- Greater Saskatoon Christian Schools
- Michael Walter

- [8] There were two other third parties, Rock Solid and Rosthern Christian. However, they were schools that have closed so my office was unable to send them a notice of this review.
- [9] Then, on July 16, 2024, Education re-released some records where it was no longer relying on certain exemptions, such as subsection 17(1)(g) of FOIP. It had also cited additional exemptions (such as subsection 27(1) of HIPA) for reasons why it withheld portions of the records.
- [10] On August 20, 2024, my office received a submission from Education. Education also advised my office that when it was preparing its submission, it determined it was no longer relying on certain exemptions (such as subsections 17(1)(a), (b) and 19(1)(b) of FOIP) on certain pages. It was going to re-release those pages to the Applicant.
- [11] On August 21, 2024, my office shared Education's submission with the Applicant.
- [12] Then, on August 22, 2024, Education provided my office with copies of additional records. When originally processing the access request, Education had identified certain pages of records as "duplicates" in batches 12, 19 and 20. Education determined that some of these records, while similar to some of the records already provided to the Applicant, were not actually duplicates. Therefore, Education provided a redacted copy of these additional records to the Applicant. Education also provided my office with an addendum to its submission addressing these additional records. My office shared Education's addendum to its submission with the Applicant.
- [13] On September 3, 2024, my office received a submission from the Applicant.
- [14] My office received submissions from five of the third parties.

II RECORDS AT ISSUE

- [15] There are 24 batches of records, numbered from 7 to 32 (except for 27, which was a numbering error). In total, there are 8,273 pages of records at issue in these batches. I will refer to each batch by their batch number (Batch 7, Batch 8, Batch 9, etc.).
- [16] Education also provided my office copies of pages of records that it regarded as duplicates in Batches 12, 19 and 20. Education had taken these pages out while preparing these records when responding to the Applicant's access request. Therefore, I will refer to these duplicate records as "Duplicate Pages - Batch 12", "Duplicate Pages - Batch 19" and "Duplicate Pages – Batch 20".
- [17] Along with the copy of this Report provided to Education, my office has provided a copy of the records at issue. That particular copy of the records at issue contains my office's recommendations regarding what should be released to the Applicant and what Education should continue to withhold. Specifically, my office has red-lined where my office recommends that Education continue to refuse the Applicant access to records. Wherever my office has not red-lined the records, my office is recommending the release of those portions of the records at issue to the Applicant within 30 days of the issuance of this Report. Throughout this Report, for the sake of simplicity and given the volume of records, I will not indicate a recommendation to release after each finding.

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction to conduct this review?

- [18] Education is a "government institution" as defined by subsection 2(1)(d)(i) of FOIP.
- [19] Education also qualifies as a "trustee" as defined by subsection 2(1)(t)(i) of HIPA. HIPA is engaged when three elements are present: 1) a trustee, 2) personal health information, and 3) the trustee has custody or control over the personal health information. First, Education qualifies as a "trustee" pursuant to subsection 2(1)(t)(i) of HIPA.

[20] Second, the records contain personal health information of employees of organizations as well as of students. In its submission, Education said:

Pages 3872, 3885, 3886, 3898, 3899, 3904, and 3905, contain information with respect to the physical health of an individual (2(1)(m)(i) of HIPA).

Pages 3865 to 3912 have been fully denied pursuant o [sic] subsection 29(1) of FOIP and 27(1) of HIPA. The personal health information contained on these pages include personal care, emotional well-being, current medications, health conditions, including allergies, birth and medical history and cognitive functioning score. The Ministry submits that this information falls under the definition of personal health information found in subsection 2(1)(m) of HIPA and therefore, this information has been properly withheld (ss. 27(1) of HIPA).

[21] In Batch 10, my office noted that portions of pages 597, 598 and 698 contain information about the physical health of a staff member at a school. In Batch 20, portions of pages 3872, 3885, 3886, 3898, 3899, 3904 and 3905 contain information about the physical or mental health of students. Finally, Batch 26, page 6321 contains information about the physical health of an employee. All such information qualifies as personal health information as defined by subsection 2(1)(m)(i) of HIPA, which provides as follows:

2(1) In this Act:

...

(m) “personal health information” means, with respect to an individual, whether living or deceased:

(i) information with respect to the physical or mental health of the individual;

[22] Finally, the records at issue are in the custody and control of Education, and so all three elements are present for HIPA to be engaged.

[23] I also note that the entities listed a paragraph [7] qualifies as third parties as defined by subsection 2(1)(j) of FOIP.

[24] Based on the above, I find that I have jurisdiction to conduct this review.

2. Did Education properly apply subsection 29(1) of FOIP?

[25] Education applied subsection 29(1) of FOIP to pages within every batch of records, except for Batch 22.

[26] Subsection 29(1) of FOIP provides:

29(1) No government institution shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 30.

[27] Section 29 of FOIP prohibits the disclosure of personal information unless the individual about whom the information pertains consents to its disclosure, or if the disclosure without consent is authorized by one of the enumerated subsections of 29(2) or section 30 of FOIP (*Guide to FOIP*, Chapter 6, “Protection of Privacy”, updated January 18, 2023 [*Guide to FOIP*, Ch. 6], p. 183).

[28] In order to withhold information pursuant to subsection 29(1) of FOIP, the information must qualify as “personal information” as defined by subsection 24(1) of FOIP.

[29] Subsections 24(1)(a), (b), (d), (e), (f), (g), (h), (i), (j) and (k)(i) of FOIP are relevant in this review and provide as follows:

24(1) Subject to subsections (1.1) and (2), “**personal information**” means personal information about an identifiable individual that is recorded in any form, and includes:

(a) information that relates to the race, creed, religion, colour, sex, sexual orientation, family status or marital status, disability, age, nationality, ancestry or place of origin of the individual;

(b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;

...

(d) any identifying number, symbol or other particular assigned to the individual, other than the individual’s health services number as defined in *The Health Information Protection Act*;

(e) the home or business address, home or business telephone number or

fingerprints of the individual;

(f) the personal opinions or views of the individual except where they are about another individual;

(g) correspondence sent to a government institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to the correspondence that would reveal the content of the original correspondence, except where the correspondence contains the views or opinions of the individual with respect to another individual;

(h) the views or opinions of another individual with respect to the individual;

(i) information that was obtained on a tax return or gathered for the purpose of collecting a tax;

(j) information that describes an individual's finances, assets, liabilities, net worth, bank balance, financial history or activities or credit worthiness; or

(k) the name of the individual where:

(i) it appears with other personal information that relates to the individual;

[30] To qualify as personal information, the information must be about the individual in a personal capacity. As a general rule, information associated with an individual in a professional, official or business capacity will not be considered to be "about" the individual (*Guide to FOIP*, Ch. 6, p. 48). In other words, personal information should be just that – personal.

[31] In its submission, Education explained that it applied subsection 29(1) of FOIP to portions of records containing information about students (including school attended, student number, learning ID, grades, assessments, address, country of birth), images of passport, birth certificates, marriage licenses, and name change certificates, Educator ID numbers and social insurance numbers. It also applied subsection 29(1) of FOIP to the personal and business telephone numbers "of employees who are not government employees" and to teaching certificate numbers.

[32] In their submission, the Applicant identified many types of information that they said they were satisfied qualified as personal information, including information about students

(such as student number, sex, place of birth, reading or writing levels, grades), birth dates, passport numbers and birth certificate numbers. However, they disputed that the personal and business telephone numbers, email or mailing addresses of individuals acting in their employment capacity qualified as personal information. Further, the Applicant disputed that information such as teaching certificate numbers and Educator ID numbers qualify as personal information.

- [33] Based on a review, my office found that information about students, such as their names, grades, assessments, addresses and descriptions qualify as “personal information” as defined by subsections 24(1)(a), (b), (d), (e), and (k)(i) of FOIP. Therefore, I find that Education properly applied subsection 29(1) of FOIP to information about students such as their names, grades, assessments, addresses and descriptions of students.
- [34] Also, images of passports, birth certificates, marriages licenses, and name change certificates qualify as personal information as defined by subsections 24(1)(a), (d), (e), and (k)(i) of FOIP. I find that Education properly applied subsection 29(1) of FOIP to such information.
- [35] Further, my office found that the information qualified as personal information is where private individuals, acting in their personal (not professional) capacity, wrote to the Minister of Education with concerns. For example, in Batch 13 at pages 829 to 832 and at pages 834 to 837, and in Batch 23 at pages 5083 to 5085. The private individuals’ names and contact information would qualify as personal information as defined by subsection 24(1)(e) of FOIP. I find that Education properly applied subsection 29(1) of FOIP to such information.
- [36] Another example of where my office found information qualified as personal information is the home and/or mailing address of teachers. For example, correspondence sent by Education to teachers in Batches 31 and 32 contains the teacher’s home and/or mailing address. Such information qualifies as personal information as defined by subsection 24(1)(e) of FOIP.

[37] Finally, information about why an employee leaving their employment with an independent school qualifies as personal information as defined by subsection 24(1)(b) of FOIP; such as at pages 7419, 7487, 7533, 7534, 7535, and 7602 of Batch 31.

[38] However, as mentioned earlier, Education asserted that information such as names of teachers or names of employees of organizations (but not of the Government of Saskatchewan) qualify as personal information. In addition, Education asserted that the person's job titles qualify as personal information. In its submission, Education explained:

The information on pages...contain the name of teachers, other employees within the educational system and other employees of identifiable employers (from the record). These employees are not employees of the Government of Saskatchewan. The name of the teacher or employee links that individual to their specific job (i.e. teacher) within an institution (i.e. Legacy Christian).

...

A person's title within an organization has been withheld on pages 552, 553, 554, 556, 558, 563, 590, 592, 595, 597, 598, 600, 610, 612, 621, 626, 629, 644, and 649 as personal information because it indicates when an individual employment history [sic].

[39] Throughout the records, including Duplicate Pages – Batch 19 and Duplicate Pages – Batch 20 - Education applied subsection 29(1) of FOIP to information that is “business card information” or “work product”. This includes names that appear in letters as well as names and/or email addresses that appear in email headers where the emails are clearly sent in a professional context and are not personal in nature. Education also applied this provision to names and signatures of school administrators that appear on records where they are clearly acting in their professional capacity. Education withheld job titles within an organization, such as “teacher”. It would be absurd if a teacher, in their professional capacity, entered a classroom or met with parents but refused to identify their role as the teacher because their job title is their personal information. It is not.

[40] My office has consistently stated that business card information (contact information on a business card) does not constitute personal information because it is not personal in nature (*Guide to FOIP*, Ch. 6, p. 48). Rather, if the record is within the professional context, then business card information within the record is professional in nature. Business telephone

numbers and addresses would only qualify as personal information only if the record was personal in nature.

[41] Further, my office has regarded “work product” or information generated by or otherwise associated with an individual in the normal course of performing their professional or employment responsibilities, whether in a public or private setting, to not qualify as personal information (*Guide to FOIP*, Ch. 6, p. 36).

[42] In Batches 31 and 32, Education applied subsection 29(1) to records such as letters of eligibility (as described in *The Registered Independent Schools Regulations*) and teacher certificates per *The Teacher Certification and Classification Regulations*. I note that in Report FI-04-15, the Office of the Information and Privacy Commissioner for Nova Scotia (NS IPC) had said that a certificate of qualification is a licence:

In line with *Cyril House* I must now consider whether to accept the position of the Department or the Applicant on whether an electrical trades certificate is a discretionary benefit and therefore falls under s.20(4)(h). It's noted that this subsection considers a “licence” a discretionary benefit. Merriam-Webster defines “licence” as “permission to act” and “a permission granted by competent authority to engage in a business or occupation otherwise unlawful.” I have concluded that a certificate of qualification is a licence because it grants individuals permission to engage in electrical construction. I agree with the Applicant that, despite the use of the mandatory word “shall” the “competent authority” is not obliged to grant a certificate. It is clear the Apprenticeship Act gives the Director the discretion to grant or not grant a certificate. In fact the Department’s submission acknowledges this.

[Emphasis added]

[43] Similarly, I find that the Letters of Eligibility and teacher certificates that appear in Batches 31 and 32 qualify as a “licence” granted by the Minister of Education. Subsection 24(2) of FOIP provides:

24(2) “Personal information” does not include information that discloses:

...
(e) details of a licence, permit or other similar discretionary benefit granted to an individual by a government institution;

- [44] Therefore, I find that Education improperly applied subsection 29(1) of FOIP to the Letters of Eligibility and teacher certificates that appear in Batches 31 and 32.
- [45] However, I note that teacher certificate numbers also appear in the records at issue, including on teacher certificates. Education's position is that teacher certificate numbers (and Educator ID numbers) qualify as personal information whereas the Applicant's position is that they do not. The Applicant's position is that a teacher's certificate number is a "detail of a licence, permit or other similar discretionary benefit granted to an individual by a government institution" pursuant to subsection 24(2)(e) of FOIP.
- [46] In my office's Review Report F-2014-005 at paragraphs [10] and [11], I had found that teaching certificate numbers qualify as personal information pursuant to subsections 24(1)(k)(i) of FOIP. In my office's Investigation Report 074-2020 at paragraphs [16] to [21], I considered driver's licence numbers and whether they qualify as personal information pursuant to subsection 24(1)(d) of FOIP or if they do not qualify as personal information pursuant to subsection 24(2)(e) of FOIP. I noted that certain information such as name and address of the owner of a specific vehicle did not qualify as personal information pursuant to subsection 24(2)(e) of FOIP but I had found that driver's licence numbers qualified as personal information pursuant to subsection 24(1)(d) of FOIP. I said:

[18] As quoted in my Review Report 146-2017, the Court of Appeal of Alberta in Leon's Furniture Limited v. Alberta (Information and Privacy Commissioner), 2011 ABCCA 94 (CanLII) (Leon's) at paragraph 49 found that a driver's licence number is "personal information" as it is used to identify a particular person:

[49] The adjudicator's conclusion that the driver's licence number is "personal information" is reasonable, because it (like a social insurance number or a passport number) is uniquely related to an individual. With access to the proper database, the unique driver's licence number can be used to identify a particular person: Gordon v. Canada (Minister of Health), 2008 FC 258, 324 F.T.R. 94, 79 Admin. L.R. (4th) 258 at paras. 32-4. But a vehicle licence is a different thing. It is linked to a vehicle, not a person. The fact that the vehicle is owned by somebody does not make the licence plate number information about that individual. It is "about" the vehicle. The same reasoning would apply to vehicle information (serial or VIN) numbers of vehicles. Likewise a street address identifies a property, not a person, even though someone may well live in the property. The licence plate number may well be connected to a database that contains other personal information, but that

is not determinative. The appellant had no access to that database, and did not insist that the customer provide access to it.

[19] Section 24(1) of FOIP defines personal information as information about an identifiable individual that is recorded in any form. However, section 24(2) of FOIP carves out certain types of information to not be included in the definition of personal information, including section 24(2)(e) of FOIP. Section 24(2)(e) of FOIP provides:

24(2) “**Personal information**” does not include information that discloses:

...

(e) details of a licence, permit or other similar discretionary benefit granted to an individual by a government institution;

[20] The Court of Appeal for Saskatchewan’s *General Motors Acceptance Corporation of Canada Ltd. v. Saskatchewan Government Insurance*, 1993 CanLII 6655 (SKCA) (GMAC) and the Court of Queen’s Bench for Saskatchewan’s *Shook Legal, Ltd v. Saskatchewan (Government Insurance)*, 2018 SKQB 238 (Shook) determined that information sought by applicants such as the name and address of the owner of a specific vehicle combined with a vehicle registration would not qualify as personal information pursuant to section 24(2)(e) of FOIP. However, neither GMAC nor Shook addressed driver’s licence numbers.

[21] When I consider: (1) the resource by the OPC, AB IPC and the BC IPC and its description of the driver’s licence number as an identifying number, (2) Leon’s by the Court of Appeal of Alberta and its description of the driver’s licence number as a identifying number, and (3) the fact that SaskPower collects driver’s license numbers as a way to identify individuals, then I find that the Complainant’s driver’s licence number qualifies as personal information as defined by section 24(1)(d) of FOIP. Driver’s licence numbers being used as a uniquely identifying number for individuals means the information is about an identifiable individual and are not “details of a licence”.

[47] Similar to the driver’s licence numbers, then, I find that teacher certificate numbers and Educator ID numbers qualify as personal information pursuant to subsection 24(1)(d) of FOIP. I find that Education properly applied subsection 29(1) of FOIP to teacher certificate numbers and Educator ID numbers

[48] Education also applied subsection 29(1) of FOIP to the information submitted to the Ministry of Education for the purposes of applying for the Letters of Eligibility and teacher certificates in Batches 31 and 32. This includes copies of social insurance number cards, birth certificates, and school transcripts. Subsection 24(3) of FOIP provides:

24(3) Notwithstanding clauses (2)(e) and (f), “personal information” includes information that:

(a) is supplied by an individual to support an application for a discretionary benefit; and

(b) is personal information within the meaning of subsection (1).

[49] Therefore, I find that Education properly applied subsection 29(1) of FOIP to personal information that was submitted to Education to support an application for the Letters of Eligibility or teacher certificates, which are records that appear in Batches 31 and 32.

3. Did Education make a prima facie case that subsection 22(a) of FOIP applies?

[50] My office’s *Rules of Procedure, Part 9: Solicitor-Client or Litigation Privilege*, (revised August 16, 2023) at page 39, outlines the process when a government institution is claiming solicitor-client or litigation privilege. Section 9-1 provides:

9-1 Claiming solicitor-client or litigation privilege

(1) Where solicitor-client or litigation privilege is being claimed as an exemption by the head or delegate, the commissioner’s office will request the head or delegate to provide a copy of the records, or an affidavit of records, schedule and redacted record over which solicitor-client or litigation privilege is claimed setting out elements requested in Form B.

[51] Education applied subsection 22(a) of FOIP to pages 838, 839 (“Record 226”), 840, 842, 843 (“Record 227”) and 844 (“Record 228”) of Batch 13, and pages 5582 and 6195 (“Record 928”) of Batch 26. Education is making a claim that subsection 22(a) of FOIP applies to pages 38, 839, 840, 842, 843 and 844 of Batch 13, and page 6195 of Batch 26. It provided my office with a letter dated August 20, 2024, an affidavit, schedule and severed portions of pages 38, 839, 840, 842, 843 and 844 of Batch 13, and page 6195 of Batch 26 to which it applied subsection 22(a) of FOIP.

[52] It should be noted that Education provided my office with an unredacted version of page 5582 of Batch 26. Therefore, I will consider whether Education properly applied subsection 22(a) of FOIP to page 5582 of Batch 26 by reviewing the page itself. Education’s

submission did not speak to Education's application of subsection 22(a) of FOIP to page 5582 of Batch 26.

[53] Subsection 22(a) of FOIP provides:

22 A head may refuse to give access to a record that:

(a) contains any information that is subject to any privilege that is available at law, including solicitor-client privilege;

[54] As set out in the *Guide to FOIP*, Chapter 4, "Exemptions from the Right of Access" updated April 8, 2024 (*Guide to FOIP*, Ch. 4) at page 257, subsection 22(a) of FOIP is a discretionary, class-based exemption. It permits refusal of access in situations where a record contains information that is subject to any legal privilege, including solicitor-client privilege.

[55] As noted in its letter dated August 20, 2024, Education is claiming that the records at issue contain information subject to solicitor-client privilege as well as litigation privilege.

[56] First, I will determine if solicitor-client privilege applies to the pages to which Education has applied subsection 22(a) of FOIP. Pages 263 to 267 of the *Guide to FOIP*, Ch. 4, sets out the following three-part test that my office applies to determine if solicitor-client privilege applies:

1. Is the record a communication between solicitor and client?
2. Does the communication entail the seeking or giving of legal advice?
3. Did the parties intend for the communication to be treated confidentially?

[57] Pages 263 to 266 of the *Guide to FOIP*, Ch. 4, provides the following definitions:

- A "communication" is the process of bringing an idea to another's perception; the message or ideas so expressed or exchanged; the interchange of messages or ideas by speech, writing, gestures or conduct.

- “Solicitor” means a lawyer who is duly admitted as a member and whose right to practice is not suspended. Lawyer means a member of the Law Society and includes a law student registered in the Society’s pre-call training program.
- “Client” means a person who:
 - Consults a lawyer and on whose behalf the lawyer renders or agrees to render legal services; or
 - Having consulted the lawyer, reasonably concludes that the lawyer has agreed to render legal services on his or her behalf;

and includes a client of the law firm of which the lawyer is a partner or associate, whether or not the lawyer handles the client’s work.

- “Legal advice” means a legal opinion about a legal issue, and a recommended course of action, based on legal considerations, regarding a matter with legal implications.

[58] In its letter dated August 20, 2024, Education explained that a statement of claim (claim) was issued in the Court of King’s Bench. The Government of Saskatchewan was named as a defendant. I note Saskatchewan’s Advocate for Children and Youth (Advocate) conducted an investigation and issued the report “Making the Grade. Moving Forward in Independent Education”. As well, changes were made to *The Registered Independent Schools Regulations* and the appointment of administrators to the qualified independent schools which employed individuals named in the claim.

[59] Education explained that Records 226, 227 and 228 (pages 838, 839, 840, 842, 843 and 844 of Batch 13) all pertain to the inquiry from the Advocate. It explained:

Records 226, 227, and 228 all pertain to the inquiry from the Advocate. In records 226 and 228, staff of the Ministry, including the affiant of the Affidavit of Records, engage in a discussion with Counsel about the preparation and wording of a reply to the inquiry from the Advocate about QIS and the facts underlying the Claim. Record 227 is a draft copy of a reply to the Advocate with comments from Counsel providing her advice on changes to the document. These notes are given in Counsel’s capacity as a lawyer giving legal advice to her client.

[60] Further, Education explained that Record 928 pertains to the appointment of administrators and the changes to *The Registered Independent Schools Regulations*:

Record 928 pertains to the appointment of administrators and changes to the Regulations to allow the appointments. The Privileges are being claimed with respect to an email found on the second and third page of the record which speak to the contributions of Counsel to the drafting of the relevant Order to be made, which includes an appointment of an administrator to Legacy Christian Academy, an institution at the heart of the Claim.

[61] The affiant of the affidavit is the Executive Director of the Programs Branch of Education. The affidavit provided as follows:

7. In respect of the records claimed to be protected by solicitor-client privilege, I have knowledge of, or believe, that the record relates to communications and information shared:
 - i) between solicitor and client and/or third party or among solicitors, with sufficient common interest in the same transactions;
 - ii) for the purpose of the seeking or obtaining of legal advice or legal services;
 - iii) intended to be kept confidential and have been consistently treated as confidential.

[62] Based on the above, the three-part test for solicitor-client privilege under subsection 22(a) of FOIP is met for pages 38, 839, 840, 842, 843 and 844 of Batch 13, and page 6195 of Batch 26. I find that Education made a *prima facie* case that subsection 22(a) of FOIP applies to pages 38, 839, 840, 842, 843 and 844 of Batch 13, and page 6195 of Batch 26. There is no need for me to consider whether litigation privilege applies to these pages.

[63] However, I must still consider page 5582 of Batch 26.

[64] The redacted portion on page 5582 of Batch 26 is a portion of a sentence. Based on a review by my office, the redacted portion of a sentence on page 5582 of Batch 26 does not contain a communication between a solicitor or client. Therefore, page 5582 of Batch 26 does not meet the first part of the three-part test for solicitor-client privilege.

[65] Therefore, I must consider whether litigation privilege applies to page 5582 of Batch 26. My office uses the two-part test to determine if litigation privilege applies (*Guide to FOIP*, Ch. 4, p. 282):

1. Has the record or information been prepared for the dominant purpose of litigation?
2. Is the litigation ongoing or anticipated?

[66] As described earlier, the redaction portion on page 5582 of Batch 26 is a portion of a sentence. Education's submission does not provide arguments as to how this particular portion of a sentence is information that was prepared for the dominant purpose of litigation. Based on a review of the redaction, my office could not tell that it was prepared for the dominant purpose of litigation either. Therefore, page 5582 of Batch 26 does not meet the first part of the two-part test for litigation privilege.

[67] I find that Education did not properly apply subsection 22(a) of FOIP to page 5582 of Batch 26.

4. Did Education properly apply 22(b) of FOIP?

[68] Education applied subsection 22(b) of FOIP to page 5582 of Batch 26.

[69] Subsection 22(b) of FOIP provides:

22 A head may refuse to give access to a record that:

...
(b) was prepared by or for an agent of the Attorney General for Saskatchewan or legal counsel for a government institution in relation to a matter involving the provision of advice or other services by the agent or legal counsel;

[70] My office uses the following two-part test to determine if subsection 22(b) of FOIP applies:

1. Were the records "prepared by or for" an agent or legal counsel for a government institution?

2. Were the records prepared in relation to a matter involving the provision of advice or other services by the agent or legal counsel?

(*Guide to FOIP*, Ch. 4, pp. 290-291)

1. *Were the records “prepared by or for” an agent or legal counsel for a government institution?*

[71] Page 290 of the *Guide to FOIP*, Ch. 4, provides the following definitions:

- “Prepared” means to be made ready for use or consideration.
- “By or for” means the person preparing the record must be either the person providing the legal advice or legal service or a person who is preparing the record in question on behalf of, or, for the use of, the provider of legal advice or legal related services.

[72] Education’s submission did not provide arguments for its application of subsection 22(b) of FOIP.

[73] Based on a review, the redacted portion is not a record prepared by or for an agent or legal counsel for a government institution. It merely describes the work completed by a lawyer. The first part of the two-part test is not met. I find that Education did not properly apply subsection 22(b) of FOIP to page 5582 of Batch 26.

5. Did Education properly apply subsection 22(c) of FOIP?

[74] Education applied subsection 22(c) of FOIP to page 5582 of Batch 26.

[75] Subsection 22(c) of FOIP provides:

22 A head may refuse to give access to a record that:

...

(c) contains correspondence between an agent of the Attorney General for Saskatchewan or legal counsel for a government institution and any other person in relation to a matter involving the provision of advice or other services by the agent or legal counsel.

[76] My office uses the following two-part test to determine if subsection 22(c) of FOIP applies:

1. Is the record a correspondence between the government institution's legal counsel (or an agent of the Attorney General) and any other person?
2. Does the correspondence relate to a matter that involves the provision of advice or other services by the agent or legal counsel?

(Guide to FOIP, Ch. 4, pp. 292-293)

1. Is the record a correspondence between the government institution's legal counsel (or an agent of the Attorney General) and any other person?

[77] Pages 292 to 293 of the *Guide to FOIP*, Ch. 4, provides:

- “Correspondence” means letters sent or received. It is an interchange of written communication.
- “Agent” means someone who is authorized to act for or in place of another.
- “Attorney General”, in this context, is the chief law officer of Saskatchewan responsible for advising the government on legal matters and representing it in litigation.
- “Any other person” was an intentional and inclusive phrase to capture just that – any other person. The government institution must make it sufficiently clear, as to what the nature of that other person's role in the correspondence was.

[78] Education's submission did not provide arguments for its application of subsection 22(c) of FOIP.

[79] Page 5582 of Batch 26 is not correspondence between Education's legal counsel or an agent of the Attorney General and any other person. The redacted content is from an email between the A/Director of the Programs Branch at Education and the Legislation and Privacy Coordinator. The first part of the two-part test is not met. I find that Education did not properly apply subsection 22(c) of FOIP to page 5582 of Batch 26.

6. Did Education properly apply subsection 19(1)(b) of FOIP?

[80] Education applied subsection 19(1)(b) of FOIP to the following:

- Page 759 of Batch 11,
- Pages 5558 and 5727 of Batch 26,
- Pages 6911 and 6912 of Batch 29, and
- Page 7021 of Batch 31.

[81] In its submission, Education also asserted that subsection 19(1)(b) of FOIP applied to pages 5500 to 5503 and 5598 of Batch 26. Since subsection 19(1)(b) of FOIP is a mandatory exemption, I will consider whether subsection 19(1)(b) of FOIP applies to these additional pages.

[82] Before I proceed, I should note that of the third parties that were notified of this review, only five of them provided a submission to my office. One of five, Michael Walter, objected to the release of records, which I will discuss below in my analysis of subsection 19(1)(b) of FOIP. Three of the five third parties, Allegro Montessori, Brilliant Star Montessori and Northeast Christian Academy did not object to a release of a record in Batch 16 that contained attendance numbers. However, I note that Education is no longer relying on subsection 19(1)(b) of FOIP to withhold the record in Batch 16. Finally, the fifth third party, Greater Saskatoon Christian, indicated to my office it had no objections to the release of a record in Batch 10. However, I also note that Education indicated to my office that it was no longer relying on subsection 19(1)(b) of FOIP to withhold the record in Batch 10 .

[83] Subsection 19(1)(b) of FOIP provides:

19(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

...

(b) financial, commercial, scientific, technical or labour relations information that is supplied in confidence, implicitly or explicitly, to a government institution by a third party;

[84] My office uses the following three-part test to determine if subsection 19(1)(b) of FOIP applies:

1. Is the information financial, commercial, scientific, technical or labour relations information of a third party?
2. Was the information supplied by the third party to a government institution?
3. Was the information supplied in confidence implicitly or explicitly?

(*Guide to FOIP*, Ch. 4, pp. 203-207)

[85] Below is an analysis to determine if the three-part test is met.

1. Is the information financial, commercial, scientific, technical or labour relations information of a third party?

[86] In its submission, Education said:

Pages 5500-5503 is a spreadsheet containing the enrolment at independent schools. This information is provided by each of the schools and is specifically tied to funding, as they receive funding based on enrolment. It also helps for projections for the following school year funding. The funding received by QIS is a monetary resource, essential to the continued operation of the school, which would qualify as financial information. The redacted information is specific to LCA. This information is exempt from release pursuant to subsection 19(1)(b) of FOIP.

Page 5558 is an inquiry from LCA to the ministry regarding contractor issues. The information was submitted in confidence and is related to a labour relations issue. The redacted information is related to a personnel contract, and concerns being raised by LCA related to the contractor. This information is exempt from release pursuant to subsection 19(1)(b).

Page 5598 is Appendix B to the agreement preceding it. This information is financial information that could potentially interfere with the contractor's ability to negotiate future contracts. That cost would have been provided by the contractor to the ministry as part of contract negotiations and is therefore subject to subsection 19(1)(c) of FOIP, which is a mandatory exemption. This information is repeated on pages 6160, 6597, and 6610.

Page 5727 is a listing of independent schools of the full-time equivalent number of staff in each of the schools. This information would be gathered from each of the schools and is labour relations information. The information related to LCA is redacted pursuant to subsection 19(1)(b) accordingly.

For pages 6911 and 6912, information was redacted pursuant to section 19(1)(b) of FOIP. The information was provided to the ministry by the third party, in confidence, and has a labour relations, commercial and financial component to it. Given the sensitivity of personal health information, and the public opinion during the pandemic related to mask use, the release of this information may impact the ability of LCA to compete with other similar schools. That, in effect, would affect their ability to attract and maintain employees, affect the financial stability of LCA due to a potential reduction in overall funding from the Ministry (if enrolment went down). As such, this information is subject to exemption.

[87] In their submission, the Applicant said:

With respect to enrollment numbers at independent schools other than Legacy Christian Academy (formerly Christian Centre Academy), we are satisfied that such information is properly withheld by the Ministry.

With respect to enrollment numbers at Legacy Christian Academy (formerly Christian Centre Academy) (page 5500-5503), in which the Ministry has relied on section 19(1)(b), we dispute that enrollment numbers qualify as “financial ... information that is supplied in confidence, implicitly or explicitly” by Legacy Christian Academy (formerly Christian Centre Academy). While a financial inference may be drawn from enrollment numbers, the section requires refusal to a record that “contains” the information and not records which “could disclose” as is used elsewhere in the Act. Further, the Ministry has asserted that funding received is “essential to the continued operation of the school” without a factual supporting basis. Christian Centre Academy, the predecessor to Legacy Christian Academy, operated before Ministry funding of qualified independent schools was implemented in or about 2012. In addition, the Ministry has not identified the basis upon which enrollment numbers at Legacy Christian Academy (formerly Christian Centre Academy) were provided to the Ministry in confidence.

With respect to page 5558 we are unable to determine from the context whether the information is as described by the Ministry. Nor has the Ministry provided a basis to conclude that the information was supplied in confidence.

With respect to page 5598 (and 6190, 6597, and 6610) we are satisfied that the pay to the contractor is properly withheld by the Ministry.

With respect to page 5727, for independent schools other than Legacy Christian Academy (formerly Christian Centre Academy), we are satisfied that the number of full time equivalent number of staff is properly withheld by the Ministry.

With respect to pages 6911 and 6912 the Ministry has relied on section 19(1)(b). The Ministry has not provided a basis upon which the information was supplied in confidence, only a bare assertion. Nor has the Ministry provided a basis to conclude that the information is “financial, commercial, scientific, technical or labour relations information” as those terms are defined in the Act. In addition, the Ministry baldly asserts that the information “may impact the ability of LCA to compete with other similar schools” which would “affect their ability to attract and maintain employees” and “affect the financial stability of LCA due to a potential reduction in overall funding from the Ministry (if enrolment went down).” With respect, the Ministry has not provided a basis upon which this section applies.

[88] It appears that Education is claiming that only financial, commercial, and labour relations information is involved. Pages 204 and 205 of the *Guide to FOIP*, Ch. 4, provide the following definitions:

- “Financial information” is information regarding monetary resources, such as financial capabilities, assets and liabilities, past or present. Common examples are financial forecasts, investment strategies, budgets, and profit and loss statements. The financial information must be specific to a third party.
- “Commercial information” is information relating to the buying, selling or exchange of merchandise or services. This can include third party associations, past history, references and insurance policies and pricing structures, market research, business plans, and customer records.
- “Labour relations information” is information that relates to the management of personnel by a person or organization, whether or not the personnel are organized into bargaining units. It includes relationships within and between workers, working groups and their organizations as well as managers, employers and their organizations. Labour relations information also includes collective relations between a public body and its employees. Common examples of labour relations information are hourly wage rates, personnel contracts and information on negotiations regarding collective agreements.

[89] Based on a review of the pages to which Education applied subsection 19(1)(b) of FOIP, my office found the following:

- The redacted portions on page 759 of Batch 11 qualify as financial information. It contains information about contingency funding.
- The redacted portion on page 5558 of Batch 26 qualify as labour relations information. It contains information about interpersonal conflict among staff.

- The redacted portion on page 5598 of Batch 26 qualify as financial information as it contains information about the rate in which a contractor was paid.

[90] However, my office found that the redacted portions on the following pages did not contain financial, commercial, or labour relations information:

- Page 5500 to 5503 and 5727 of Batch 26,
- pages 6911 and 6912 of Batch 29, and
- page 7021 of Batch 31.

[91] As described by Education in its submission, pages 5500 to 5503 of Batch 26 are a spreadsheet containing enrolment information at independent schools. While Education makes the argument that the information is specifically tied to funding, the information itself does not reveal financial information of third parties.

[92] Page 5727 of Batch 26 is a list of “full-time equivalent number of staff” (as described by Education) in independent schools. Such information is not labour “relations” information as it just states the number of full-time staff at each school. It is not information about the management of personnel nor is it about relationships within and between workers.

[93] Pages 6911 and 6912 of Batch 29 contain an email exchange between Legacy Christian Academy and Education. The email exchange is about the number of positive COVID-19 cases among students and staff and how Legacy Christian Academy will deliver education to the students. Then, the email exchange switches to an internal email exchange between Education employees. The substance of the email exchanges do not qualify as financial, technical, or labour relations information. Therefore, the redacted information on pages 6911 and 6912 of Batch 29 does not meet the first part of the three-part test.

[94] Page 7021 of Batch 31 contains the description of work of a contractor as described in a contract between Education and a contractor. Such information does not qualify as a

financial, commercial or labour relations information. Therefore, the redacted information on page 7021 of Batch 31 does not meet the first part of the three-part test.

[95] I will proceed to consider whether page 759 of Batch 11 and pages 5558 and 5598 of Batch 26 meet the second part of the test.

2. *Was the information supplied by the third party to a government institution?*

[96] Page 205 of the *Guide to FOIP*, Ch. 4, defines “supplied” as meaning provided or furnished.

[97] Based on a review, my office found the following information was supplied by a third party to Education.

- The redacted information on page 5558 of Batch 26 was supplied by Legacy Christian Academy to Education.

[98] However, my office found the following information was not supplied by a third party to Education as follows:

- Page 759 of Batch 11 contains information sent by Education to Legacy Christian Academy. Therefore, the information was not supplied by a third party to Education.
- Page 5598 of Batch 26 contains information in a contract between a contractor and Education. The provisions of a contract are mutually generated rather than “supplied” by a third party (*Guide to FOIP*, Ch. 4, p. 206).

[99] Therefore, the redacted information on page 759 of Batch 11 and page 5598 of Batch 26 does not meet the second part of the three-part test.

[100] I will proceed to consider whether the redacted information on page 5558 of Batch 26 meets the third part of the three-part test.

3. *Was the information supplied in confidence implicitly or explicitly?*

[101] Page 205 of the *Guide to FOIP*, Ch. 4, provides the following definitions:

- “In confidence” usually describes a situation of mutual trust in which private matters are relayed or reported. Information obtained in confidence means that the supplier of the information has stipulated how the information can be disseminated. In order for confidence to be found, there must be an implicit or explicit agreement or understanding of confidentiality on the part of both the government institution and the third party providing the information.
- “Implicitly” means that the confidentiality is understood even though there is no actual statement of confidentiality, agreement, or other physical evidence of the understanding that the information will be kept confidential.
- “Explicitly” means that the request for confidentiality has been clearly expressed, distinctly stated or made definite. There may be documentary evidence that shows that the information was supplied on the understanding that it would be kept confidential.

[102] Page 5558 of Batch 26 is an email from Legacy Christian Academy to Education. It provides background details of a situation regarding interpersonal conflict. Legacy Christian Academy is seeking guidance from Education on what it can do. The nature of the information supplied by Legacy Christian Academy to Education would reasonably suggest that the information was supplied in confidence. The third part of the three-part test is met. I find that Education properly applied subsection 19(1)(b) of FOIP to page 5558 of Batch 26.

[103] However, I find that Education did not properly apply subsection 19(1)(b) of FOIP to page 759 of Batch 11, page 5598 of Batch 26, pages 6911 and 6912 of Batch 29, and page 7021 of Batch 31.

7. Did Education properly apply subsection 19(1)(c)(i) of FOIP?

[104] Education applied subsection 19(1)(c)(i) of FOIP to the following:

- Page 759 of Batch 11, and
- Pages 5509 to 5513, 5598, 6240, 6270, 6597, 6610 of Batch 26.

[105] Subsection 19(1)(c)(i) of FOIP provides:

19(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

...
(c) information, the disclosure of which could reasonably be expected to:

(i) result in financial loss or gain to;

...
a third party;

[106] My office uses the following two-part test when determining if subsection 19(1)(c)(i) of FOIP applies:

1. What is the financial loss or gain being claimed?
2. Could the release of the record reasonably be expected to result in financial loss or gain to a third party?

(Guide to FOIP, Ch. 4, pp. 216)

[107] “Financial loss or gain” must be monetary, have a monetary equivalent or value (e.g., loss of revenue or loss of corporate reputation).

[108] Education did not provide arguments as to how subsection 19(1)(c)(i) of FOIP applies to the records.

[109] In their submission, the Applicant said:

With respect to page 755 the Ministry has relied on section 19(1)(c)(i), alleging that the “context of the information ... could reasonably prejudice the competitive position of, or interfere with contract negotiations with new teachers, as it may affect recruitment and retention.” We are unable to confirm the applicability of the section.

With respect to page 6240 the Ministry relies on section 19(1)(c), alleging that “children withdrawing from a school is a financial loss to the school.” Section 19(1)(c) applies to “information, the disclosure of which could reasonably be expected to: (i) result in a financial loss or again;”. The section does not apply, as it is the withdrawal of the student which could reasonably be expected to result in a financial loss, not the disclosure of the student(s) withdrawing from a school.

- [110] I note that the portion of page 755 of Batch 11 Education withheld pursuant to subsection 19(1)(c)(i) of FOIP, it later released to the Applicant in the course of my office's review. Therefore, I will not comment on page 755 of Batch 11.
- [111] Page 759 of Batch 11 contains a contingency funding report. On the face of the record, it is difficult to determine what financial loss or gain is being claimed.
- [112] Pages 5509 to 5513 of Batch 26 are charts and pie graphs that are separated by grade levels and schools. The charts and pie graphs appear to represent a Fountas & Pinnell assessment of each grade level at different schools. On the face of the record, it is difficult to determine what financial loss or gain is being claimed.
- [113] Page 6240 of Batch 26 is an internal email between Education employees. The redacted information describes the type of information in the attachments to the email. On the face of the record, it is difficult to determine what financial loss or gain is being claimed.
- [114] Page 6270 of Batch 26 is an email by a third party to Education. The third party says it is conducting an audit for a particular client. On the face of the sentence, it is difficult to determine what financial loss or gain is being claimed.
- [115] Pages 5598, 6597 and 6610 of Batch 26 is part of a contract between a third party, Michael Walter, and Education. Education redacted a portion of the contract which provides details of what the contractor would be paid, the maximum amount, the day rate (and the maximum amount paid per month) and the maximum amount to be paid for mileage expenses. The third party, Michael Walter, provided a submission asserting costs associated with the work they had done should not be released. They said:

At the time of the agreement, I was a private citizen contracted to work on behalf of the Ministry of Education. The release of this information could reasonably result in a financial loss to me and my family, as it would reveal the costs associated with the work I had completed on behalf of Education. In addition, **the release of this information could result in my inability to properly negotiate future contracts. Finally, this information being public may inhibit my competitive position in**

future contract negotiations, as other contractors could undercut my costs based on this release.

As I am no longer a Government of Saskatchewan employee, my ability to contract for services in the future is an option I want to leave open for myself, and releasing this information will prevent me from doing so. I ask that this information not be released to the person who requested this information.

[Emphasis added]

[116] In my office's Review Report 236-2017, I said that the risk of being underbid by competitors for future contracts did not meet the threshold for subsections 19(1)(c)(i) and (ii) of FOIP. I said:

[20] WSA's arguments to support the application of subsections 19(1)(c)(i) and (ii) of FOIP appear to be that if the information was released to the Applicant, this would result in financial loss for the third parties and result in a competitive advantage.

[21] However, as provided in the IPC Guide to Exemptions, Review Reports 007-2015, 195-2015 and 196-2015, found that the risk of being underbid by competitors for future contracts did not meet the threshold for this provision. Releasing costs will increase the chances that the public body will obtain fair bids and a competitive bidding process.

[22] As such, I do find that subsection 19(1)(c)(i) or (ii) of FOIP applies to the withheld information in the record.

[Emphasis added]

[117] Similarly, I find that the third party's argument that their competitive position may be inhibited in future contract negotiations to not meet the threshold for subsection 19(1)(c)(i) of FOIP.

[118] In addition, I note that the amount paid to the third party by Education is already published in Volume 2 of the Government of Saskatchewan's Public Accounts 2022-23.

[119] As such, I find that the release of pages 5598, 6597 and 6610 would not result in the financial loss being claimed by the third party.

[120] In conclusion, I find that Education did not properly apply subsection 19(1)(c)(i) of FOIP to page 759 of Batch 11 and pages 5509 to 5513, 5598, 6240, 6270, 6597 and 6610 of Batch 26.

8. Did Education properly apply subsection 19(1)(c)(ii) of FOIP?

[121] Education applied subsection 19(1)(c)(ii) of FOIP to the following:

- Page 759 of Batch 11, and
- Pages 5509 to 5513, 5598, 6240, 6597 and 6610 of Batch 26.

[122] Subsection 19(1)(c)(ii) of FOIP provides:

19(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

- ...
(c) information, the disclosure of which could reasonably be expected to:
 - ...
(ii) prejudice the competitive position of;
...
a third party;

[123] My office uses the following two-part test to determine if subsection 19(1)(c)(ii) of FOIP applies:

1. What is the prejudice to a third party's competitive position that is being claimed?
2. Could release of the record reasonably be expected to result in the prejudice?

(*Guide to FOIP*, Ch. 4, pp. 221-222)

[124] Page 221 of *Guide to FOIP*, Ch. 4, provides the following definitions:

- "Prejudice" in this context refers to detriment to the competitive position of a third party.

- “Competitive position” means the information must be capable of use by an existing or potential business competitor, whether that competitor currently competes for the same market share. For example:
 - Information that discloses the profit margin on a private company’s operations.
 - Marketing plans, including market research surveys, polls.
 - Information that reveals the internal workings of a private company.

[125] Education did not provide arguments in its submission as to how subsection 19(1)(c)(ii) of FOIP applies to the records at issue.

[126] Page 759 of Batch 11 contains a contingency funding report. Funding provided by Education to Legacy Christian Academy is published in Volume 2 of the Government of Saskatchewan’s Public Accounts each year. Further, it’s unclear how the release of contingency funding would affect Legacy Christian Academy’s ability to compete in the marketplace. Therefore, I find that the release of such information would not prejudice Legacy Christian Academy’s competitive position in seeking funding from Education.

[127] Pages 5509 to 5513 of Batch 26 are charts and pie graphs that appear to represent a Fountas & Pennell assessment of each grade level at different schools. On the face of the record, it is difficult to determine what the different schools (the third parties) would be competing for, and how the release of the information would prejudice the third party’s ability to compete.

[128] Page 6240 of Batch 26 is an internal email between Education employees. The redacted information describes the type of information in the attachments to the email. On the face of the record, it is difficult to determine which third parties would be impacted, what the third parties are competing for, and how the release the information would prejudice any third parties’ ability to compete.

[129] Pages 6270 of Batch 26 is an email by a third party to Education where the third party says it is conducting an audit for a particular client. On the face of the record, it is difficult to determine how releasing this sentence would prejudice the third party.

[130] Finally, regarding pages 5598, 6597 and 6610 of Batch 26, which involves the contract between the third party, Michael Walter, and Education, I have already quoted the submission by Michael Walter in my analysis of subsection 19(1)(c)(i) of FOIP. As noted in my office's Review Report 236-2017, the risk of being underbid by competitors for future contracts do not meet the threshold for subsection 19(1)(c)(ii) of FOIP.

[131] I find that Education has not properly applied subsection 19(1)(c)(ii) of FOIP to Page 759 of Batch 11 and pages 5509 to 5513, 5598, 6240, 6597 and 6610 of Batch 26.

9. Did Education properly apply subsection 19(1)(c)(iii) of FOIP?

[132] Education applied subsection 19(1)(c)(iii) of FOIP to the following:

- Page 759 of Batch 11, and
- Pages 5598, 6240, 6597, and 6610 of Batch 26.

[133] Subsection 19(1)(c)(iii) of FOIP provides:

19(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

...
(c) information, the disclosure of which could reasonably be expected to:

...
(iii) interfere with the contractual or other negotiations of;

a third party;

[134] My office uses the following two-part test to determine if subsection 19(1)(c)(iii) of FOIP applies:

1. Are there contractual or other negotiations occurring involving a third party?
2. Could the release of the record reasonably be expected to interfere with the contractual or other negotiations of a third party?

(*Guide to FOIP*, Ch. 4, pp. 226-227)

[135] Pages 226 to 227 of *Guide to FOIP*, Ch. 4, provides the following definitions:

- A “negotiation” is a consensual bargaining process in which the parties attempt to reach agreement on a disputed or potentially disputed matter.
- “Interfere” means to hinder or hamper.

[136] The government institution and third party do not have to prove that a harm is probable but need to show that there is a “reasonable expectation of harm” if any of the information were to be released. In *British Columbia (Minister of Citizens' Service) v. British Columbia (Information and Privacy Commissioner)*, (2012), Bracken J. confirmed it is the release of the information itself that must give rise to a reasonable expectation of harm.

[137] Prospective or future negotiations could be included within this exemption, if they are foreseeable. It may be applied even though negotiations have not yet started at the time of the access to information request, including when there has not been any direct contact with the other party or their agent. However, a vague possibility of future negotiations is not sufficient. There must be a reasonable fact-based expectation that the future negotiations will take place.

[138] In its submission, Education said:

Page 6240 contains statements related to students withdrawing from a school. This information is exempt from release pursuant to subsection 19(1)(c) of FOIP, as it results in a financial loss to the school. Funding from government is directly based on the number of students in the school, and children withdrawing from a school is a financial loss to the school.

[139] Education had also provided arguments as to how subsection 19(1)(c)(iii) of FOIP applied to page 755 of Batch 11. However, Education released the portion of page 755 of Batch 11 that was redacted pursuant to subsection 19(1)(c) of FOIP to the Applicant on August 22, 2024, and so I am not considering its reliance on subsection 19(1)(c) of FOIP to this page.

[140] Based on a review of the pages to which Education applied subsection 19(1)(c)(iii) of FOIP, including page 6240 of Batch 26, there is no apparent negotiations that are occurring or any foreseeable prospective or future negotiations. Therefore, I find that Education did not properly apply subsection 19(1)(c)(iii) of FOIP to page 759 of Batch 11 and pages 5509 to 5513, 5598, 6240, 6597 and 6610 of Batch 26.

10. Did Education properly apply subsection 19(1)(d) of FOIP?

[141] Education applied subsection 19(1)(d) of FOIP to page 759 of Batch 11, pages 5643 to 5653, and pages 5714 to 5724 of Batch 26.

[142] Subsection 19(1)(d) of FOIP provides:

19(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

...
(d) a statement of a financial account relating to a third party with respect to the provision of routine services from a government institution;

[143] My office uses the following two-part test to determine if subsection 19(1)(d) of FOIP applies:

1. Is the record a statement of a financial account relating to a third party with respect to the provision of routine services?
2. Is the statement from a government institution?

(*Guide to FOIP*, Ch. 4, pp. 231-232)

[144] Pages 231 to 232 of *Guide to FOIP*, Ch. 4, provide definitions for the following terms:

- A “statement” is a formal written or oral account, setting down facts, a document setting out the items of debit and credit between two parties.
- A “statement of account” is a report issued periodically (usually monthly) by a creditor to a customer, providing certain information on the customer’s account,

including the amounts billed, credits given and the balance due; a document setting out the items of debit and credit between two parties.

- An “accounting” means a detailed statement of the debits and credits between parties to a contract or to a fiduciary relationship; a reckoning of monetary dealings.
- An “account” means a record of financial expenditure and receipts; a bill taking the form of such a record.
- “Financial” means of or pertaining to revenue or money matters.
- “Relating to” should be given a plain but expansive meaning. The phrase should be read in its grammatical and ordinary sense. There is no need to incorporate complex requirements (such as “substantial connection”) for its application, which would be inconsistent with the plain unambiguous meaning of the words of the statute. “Relating to” requires some connection between the information and the provision of routine services.
- “With respect to” are words of the widest possible scope; the phrase is probably the widest of any expression intended to convey some connection between two related subject matters.
- “Routine” means a regular course of procedure; an unvarying performance of certain acts; regular or unvarying procedure or performance.
- “Services” means labour performed in the interest or under the direction of others; the performance of some useful act or series of acts for the benefit of another, usually for a fee; an intangible commodity in the form of human effort, such as labour, skill or advice.

[145] In its submission, Education said:

Pages 5643-5653 are statements of account for multiple independent schools. The information related to LCA is subject to exemption pursuant to subsection 19(1)(d), as it is a statement of account for the provision of services (the provision of funding, at the direction of Cabinet) from a government institution (the Ministry)... Pages 5714-5724 contain similar redactions, and 19(1)(d) would apply to those pages as well.

[146] Page 759 of Batch 11, as described earlier, contains a contingency funding report. It describes funding provided by Education to Legacy Christian Academy. This does not qualify as a statement of a financial account.

[147] Based on a review by my office, pages 5643 to 5653 and pages 5714 to 5724 of Batch 26 are spreadsheets of payments made by Education to independent schools. Such spreadsheets do not qualify as a statement of account.

[148] The first part of the two-part test is not met. I find that Education did not properly apply subsection 19(1)(d) of FOIP to page 759 of Batch 11, pages 5643 to 5653, and pages 5714 to 5724 of Batch 26.

11. Did Education properly apply subsection 18(1)(b) of FOIP?

[149] Education applied subsection 18(1)(b) of FOIP to pages 756 to 757 of Batch 11. Specifically, Education redacted one column entitled “Supplier Num” and another column entitled “Supplier Site” from a spreadsheet that appears to be an accounting document.

[150] Section 18(1)(b) of FOIP provides:

18(1) A head may refuse to give access to a record that could reasonably be expected to disclose:

...
(b) financial, commercial, scientific, technical or other information:

(i) in which the Government of Saskatchewan or a government institution has a proprietary interest or a right of use; and

(ii) that has monetary value or is reasonably likely to have monetary value;

[151] My office uses the following three-part test to determine if subsection 18(1)(b) of FOIP applies:

1. Does the information contain financial, commercial, scientific, technical or other information?
2. Does the government institution have a proprietary interest or a right to use it?
3. Does the information have monetary value for the government institution or is it reasonably likely to?

(*Guide to FOIP*, Ch. 4, pp. 171-173)

[152] Earlier, in my analysis of subsection 19(1)(b) of FOIP, I had already provided definitions of financial and technical information. Pages 171 to 173 of *Guide to FOIP*, Ch. 4, provide the additional definitions:

- “Commercial information” means information relating to the buying, selling or exchange of merchandise or services. This includes third party associations, past history, references and insurance policies and pricing structures, market research, business plans and customer records.
- “Scientific information” is information exhibiting the principles or methods of science. The information could include designs for a product and testing procedures or methodologies. It is information belonging to an organized field of knowledge in the natural, biological, or social sciences or mathematics. In addition, for information to be characterized as scientific, it must relate to the observation and testing of specific hypothesis or conclusions and be undertaken by an expert in the field. Finally, scientific information must be given a meaning separate from technical information.
- “Proprietary” means of, relating to or holding as property.
- “Proprietary interest” is the interest held by a property owner together with all appurtenant rights, such as a stockholder’s right to vote the shares. It signifies simply “interest as an owner” or “legal right or title”.
- “Owner” means someone who has the right to possess, use and convey something; a person in whom one or more interests are vested.
- “Right of use” means a legal, equitable or moral title or claim to the use of property, or authority to use.
- “Monetary value” requires that the information itself have an intrinsic value. This may be demonstrated by evidence of potential for financial return to the government institution. An example of information that is reasonably likely to have monetary value might include a course developed by a teacher employed by a school board.
- “Reasonably likely to” implies that the question be considered objectively. This means that there must be evidence that will, on a balance of probabilities, support the necessary finding.

[153] In its submission, Education said:

Pages 756 and 757 contain redactions of the supplier number and site from the Government of Saskatchewan financial payment system pursuant to 18(1)(b) of FOIP. The supplier number and site show how the Government of Saskatchewan financial payment system allocates numbers to suppliers and could reasonably release technical information in which the Government of Saskatchewan has a proprietary interest and right of use and as it is a financial payment system, it could reasonably have monetary value.

[154] Based on a review of pages 756 to 757 of Batch 11, the information does not qualify as financial, commercial, scientific or technical information. Further, the redacted information is the supplier number and supplier site assigned to Legacy Christian Academy in the Government of Saskatchewan's accounts payable system. The supplier number and supplier site is information that is useful to the Government of Saskatchewan in using its own accounts payable system. However, it is not information useful to other organizations. Education asserted that the Government of Saskatchewan has a "proprietary interest" in the supplier number and supplier site. In my office's Review Report 301-2023 at paragraphs [55] and [56], I explained the purpose of subsection 18(1)(b) of FOIP:

[55] However, the question is whether SaskPower has demonstrated a proprietary interest in such information that would have monetary value for SaskPower. In my office's Review Report 132-2023 concerning the Saskatchewan Health Authority, I said the following at paragraph [26] about subsection 17(1)(b) of *The Local Authority Freedom of Information and Protection of Privacy Act*, which is an equivalent provision:

[26] Ontario's Freedom of Information and Protection of Privacy Act subsection 18(1)(a) is similar to Saskatchewan's, but instead of proprietary interest or right of use, it uses the phrase "that belongs to the Government of Ontario or an institution." In Ontario Information and Privacy Commissioner Office's (IPC) Order MO-1746, the phrase "belongs to" was found to mean "ownership" which makes it relevant for Saskatchewan's subsection 17(1)(b) of LA FOIP. In Order MO-1746, the adjudicator stated the following:

The Assistant Commissioner has thus determined that the term "belongs to" refers to "ownership" by an institution, and that the concept of "ownership of information" requires more than the right to simply possess, use or dispose of information, or control access to the physical record in which the information is contained. **For information to "belong to" an institution, the institution must have some proprietary interest in it either in a traditional intellectual property sense – such as copyright, trademark, patent or industrial design – or in the sense that the law would recognize a substantial interest in protecting the information from misappropriation by another party.**

Examples of the latter type of information may include trade secrets, business to business mailing lists (Order P-636), customer or supplier lists, price lists, or other types of confidential business information. In each of these examples, there is an inherent monetary value in the information to the organization resulting from the expenditure of money or the application of skill and effort to develop the information (Guide to LA FOIP, Ch 4, pp. 139-140).

[56] Subsection 18(1)(b) of FOIP is intended to protect a government institution's competitiveness in the marketplace in the same way a private corporation's competitiveness would be protected. You might have a tech company, for example, invest in research and development to build a particular technology that it can then patent and market and monetize. The tech company then has a proprietary use of (or interest in) the technology it developed that helps it be competitive in the marketplace and make money. SaskPower has not demonstrated that this is the type of relationship that exists in this matter, and so has not met the second and third parts of the test. I find, therefore, that SaskPower did not properly apply subsection 18(1)(b) of FOIP. I will now consider its reliance on subsection 18(1)(d) of FOIP.

[Emphasis added]

[155] Education has merely asserted that the Government of Saskatchewan has proprietary interest in the supplier number and supplier site assigned to Legacy Christian Academy in its accounts payable system, but it has not explained how it has a proprietary interest in the information. I find that Education did not properly apply subsection 18(1)(b) of FOIP to pages 756 to 757 of Batch 11.

12. Did Education properly apply subsection 18(1)(d) of FOIP?

[156] Education applied subsection 18(1)(d) of FOIP to pages 6702, 6703 and 6704 of Batch 28. Specifically, Education applied subsection 18(1)(d) of FOIP to information about a standing offer on personal protective equipment.

[157] Subsection 18(1)(d) of FOIP provides:

18(1) A head may refuse to give access to a record that could reasonably be expected to disclose:

...

(d) information, the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of the Government of Saskatchewan or a government institution;

[158] My office uses the following two-part test to determine if subsection 18(1)(d) of FOIP applies:

1. Are there contractual or other negotiations occurring involving the Government of Saskatchewan or a government institution?
2. Could release of the record reasonably be expected to interfere with the contractual or other negotiations?

(*Guide to FOIP*, Ch. 4, pp. 180-181)

[159] Earlier in my analysis of subsection 19(1)(c)(iii) of FOIP, I define the terms “negotiation” and “interfere”.

[160] Once a contract is executed, negotiation is concluded. The exemption would generally not apply unless, for instance, the same strategy will be used again, and it has not been publicly disclosed (*Guide to FOIP*, Ch. 4, p. 181).

[161] In its submission, Education said:

Pages 6702-6704 are related to suppliers that could be contracted with to provide personal protective equipment during the pandemic. This information was compiled by the Government of Saskatchewan for the use of government institutions and stakeholders such as school divisions and registered independent schools. This information was redacted pursuant to subsection 18(1)(d), as it reveals details of the fixed costs that had been negotiated. Releasing this information could reasonably interfere with future contract negotiations, as contractors/vendors may not want their costs made public. It could also reasonably interfere with the Government of Saskatchewan’s ability to negotiate future costs. At the time of the negotiations, there was a global pandemic which caused supply chain issues globally. As the world has recovered from the pandemic in the past two years, supply chain issues have continued to decrease in severity. The fixed costs at the time of the pandemic may have changed significantly due to the decrease in supply chain issues, and the inflation being felt around the world. It is possible that some suppliers have had significant changes to their fixed costs, and revealing these pandemic related fixed costs may harm future contract negotiations. Finally, for future Government of Saskatchewan negotiations, give the limited availability of personal protective equipment at the time, the costs

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associated with these items may have been agreed upon at a much higher rate than what the Government of Saskatchewan would normally agree to outside of a global pandemic. Public safety was paramount. However, now that the immediate danger has passed, having these fixed costs a matter of public record could negatively impact future contract negotiations – the need for personal protective equipment did not disappear when the pandemic receded – many government institutions still require personal protective equipment on a daily basis.

[162] Based on a review of the records, and as noted by Education in its submission, the standing offer on PPE had already been negotiated. Education asserted that the release of the fixed costs that were negotiated during the recent pandemic may harm future contract negotiations, given that “some suppliers have had significant changes to their fixed costs”. Revealing the fixed costs negotiated during the pandemic does not beholden the Government of Saskatchewan to agree to the same fixed costs in the future. Also, revealing the fixed costs that were negotiated during the pandemic does not reveal any strategy used by the Government of Saskatchewan that would hinder or interfere with future negotiations. I find that Education did not properly apply subsection 18(1)(d) of FOIP to pages 6702, 6703 and 6704 of Batch 28.

13. Did Education properly apply subsection 17(1)(a) of FOIP?

[163] Education applied subsection 17(1)(a) of FOIP to the following:

- Pages 552, 631, 634 to 636, 638, 639, 641, 670, 671, 675, 678 to 682, 685, 686, 693, 694, 697, 701, 704, 708, 712 and 715 of Batch 10.
- Pages 2400 and 2401 of Batch 18.
- Pages 5308 and 5309 of Batch 25.
- Pages 5434 to 5442, 5475 to 5478, 5491, 5814, 6125 to 6127, 6132 to 6134, 6141 to 6143, 6270 to 6272, 6274 and 6275 of Batch 26.
- Pages 6788 to 6793 of Batch 28.
- Page 6835 of Batch 29.

[164] Subsection 17(1)(a) of FOIP provides:

17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

(a) advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council;

[165] My office uses the following two-part test to determine if subsection 17(1)(a) of FOIP applies:

1. Does the information qualify as advice, proposals, recommendations, analyses or policy options?
2. Was the advice, proposals, recommendations, analyses and/or policy options developed by or for a government institution or a member of the Executive Council?

(*Guide to FOIP*, Ch. 4, pp. 128-131)

1. Does the information qualify as advice, proposals, recommendations, analyses or policy options?

[166] Pages 128 to 130 of the *Guide to FOIP*, Ch. 4, provide the following definitions:

- “Advice” is guidance offered by one person to another. It can include the analysis of a situation or issue that may require action and the presentation of options for future action, but not the presentation of facts. Advice encompasses material that permits the drawing of inferences with respect to a suggested course of action, but which does not itself make a specific recommendation. It can be an implied recommendation. The “pros” and “cons” of various options also qualify as advice. It should not be given a restricted meaning. Rather, it should be interpreted to include an opinion that involves exercising judgement and skill in weighing the significance of fact. It includes expert opinion on matters of fact on which a government institution must make a decision for future action.
- A “proposal” is something offered for consideration or acceptance.
- A “recommendation” is a specific piece of advice about what to do, especially when given officially; it is a suggestion that someone should choose a particular thing or person that one thinks particularly good or meritorious. Recommendations relate to a suggested course of action more explicitly and pointedly than “advice”.
- “Analyses” (or analysis) is the detailed examination of the elements or structure of something; the process of separating something into its constituent elements.

- “Policy options” are lists of alternative courses of action to be accepted or rejected in relation to a decision that is to be made. They would include matters such as the public servant’s identification and consideration of alternative decisions that could be made. In other words, they constitute an evaluative analysis as opposed to objective information.

[167] In its submission, Education said:

Pages 631, 634-636, and 638-641 provide advice regarding edits to a response to an interview request from the CBC. Pages 685 and 686 reflect advice an employee received during a visit to Saskatoon, Prince Albert and Melfort.

Page 671 provides advice or policy options for potential trustees or administrators for the Independent School Intervention Strategy.

Page 670 contains a recommendation for the Independent School Intervention Strategy.

On pages 2400 and 2401 is analysis and advice regarding funding amounts. The employees discuss the actual funding amount received compared to the amounts provided for in the Order in Council. The amounts have been disclosed but the analysis and advice on these pages have been properly withheld.

Pages 5299, 5303, 5306, 5308 and 5309 reflect proposed responses to media inquires (i.e. advice or proposal) and analyses from various employees around the suggestion. These emails are internal to the Ministry.

Draft letters are found on pages 5415, 5544-5546, and 5814). Drafts and redrafts of advice that inform the end result, even if the content of a draft is not included in the final version falls within the scope of this exemption as was found in *John Doe v Ontario (Finance)*, 2014 SCC 36 at paragraph 50.

Pages 5434 to 5449 are the priority action plan proposals. This information was fully redacted pursuant to subsections 17(1)(a) and (b). The information contained within these documents are proposals, but the intent is for consultation and deliberation between the ministry and stakeholders.

Pages 5475 to 5478 list the objectives of the Provincial Education Council and the Implementation Team. The objectives were advice, recommendations and a proposal for what the final objectives should be. The record was created to inform consultations and deliberations with stakeholders, which would result in a final document.

Page 5491 contains an opinion regarding assessments and what a future state could look like. This information has been withheld as advice pursuant to this exemption.

Pages 6270-6275 are emails between LCA and the ministry related to an expression of interest and questions that LCA had. The information within these emails is subject to exemption pursuant to subsection 17(1)(a) as these are proposals created for and by a government institution.

Pages 6788-6793 are an email and a draft paper put forward to provide policy options for the Deputy Minister and the Minister to consider. It was created by a government employee specifically for that purpose. The release of this document would indicate the options that were considered prior to a final decision being made. Therefore, this information is subject to exemption pursuant to 17(1)(a) of FOIP.

Page 6835 contains a redaction, pursuant to subsection 17(1)(a) of FOIP. The information contained on this page is a recommendation from the Executive Director of the Programs Branch to the registered independent schools on COVID testing options.

- [168] I note that in its submission, Education asserted it had applied subsection 17(1)(a) of FOIP to certain pages, such as pages 5299, 5303 and 5306. However, Education had not claimed subsection 17(1)(a) of FOIP on these pages when it responded to the Applicant. Subsection 17(1)(a) of FOIP is a discretionary exemption. Per section 2-4 of my office's *Rules of Procedure*, my office does not consider discretionary exemptions not raised in the head's decision. As such, I will not consider subsection 17(1)(a) of FOIP to pages to which Education had not claimed the exemption when it responded to the Applicant.
- [169] In Batch 10, I find that portions of pages 635, 636, 638, 639, 678, 679, 681 and 682 contain proposed responses to media inquiries. Further, portions of pages 670 and 671 contain a recommendation. Further, pages 670 and 671 contain a recommendation in a briefing note. I will consider the second part of the test on these pages.
- [170] In Batch 26, I find that a portion of page 5491 contains advice by an Education employee to a principal at a school. Further, pages 6125 to 6127, 6132 to 6134, and 6141 to 6143 contain recommended responses to private individuals. I will consider the second part of the test on these pages.

[171] In Batch 28, I find that portions of pages 6790 and 6791 contain policy options. Further, pages 6792 and 6793 contain analysis of funding to schools. I will consider the second part of the test on these pages.

[172] However, on the remaining pages to which Education applied subsection 17(1)(a) of FOIP, I do not find that they contain advice, proposals, recommendations, analyses or policy options. For example, in the following pages, Education applied subsection 17(1)(a) of FOIP but I have found that the information does not qualify as advice, proposals, recommendations, analyses or policy options:

- Batch 10
 - Pages 552, 675, 693, 694, 697, 701, 704, 708, 712 and 715 - contain factual information.
 - Page 631 - contains an email where an Education employee seeks factual information from other Education employees.
 - Page 634 - is an email where a Media Relations Officer at Executive Council provides direction to an Education employee.
 - Page 641 – An Education employee says what they will do next.
 - Page 680 – Internal email exchange where Education employees ask about and provides information about policy about curriculum.
 - Pages 685 and 686 – contains summaries of annual inspections of qualified independent schools.
- Batch 18
 - Pages 5308 and 5309 - contain an explanation on the breakdown of a payment made to historical high schools and qualified independent schools.
- Batch 25
 - Pages 5308 and 5309 - contain additions by an executive director to a response to a media inquiry prepared by an Education employee. Additions made by a superior is not advice, proposals, recommendations, analyses or policy options to the employee.

- Batch 26
 - Page 5415 - contains a draft of a letter by Education to Legacy Christian Academy. In my office's Review Report 141-2023, I cited paragraph 75 of Order F2016-016 by Alberta's Office of the Information and Privacy Commissioner (AB IPC), which provides that a draft in and of itself does not transform the draft into advice, proposals, recommendations, analyses, policy options, consultations or deliberations. The information must have that character to begin with. Similarly, then, the draft letter at page 5415 is not advice, proposals, recommendations, analyses, or policy options simply because it is the draft version of a letter. On review of page 5415, the contents do not contain anything with the character of advice, proposals, recommendations, analyses, policy options, consultations or deliberations.
 - Pages 5434 to 5442 - contain an update by the Curriculum Review Committee.
 - Pages 5475 to 5478 - contain the objectives outlined in a table of the Provincial Education Council and Provincial Education Plan Implementation Team.
 - Pages 5814 - contains a draft of a letter by an Education employee to Legacy Christian Academy. A draft of a letter itself is not advice, proposal, recommendation, analyses or policy options.
 - Page 6270 - contains an email exchange where an auditor seeks clarification and Education provides clarification.
 - Pages 6271 and 6274 - contain emails where an Education employee provides direction or instruction to Legacy Christian Academy.
 - Pages 6272 and 6275 - contain emails where Legacy Christian Academy seeks direction or instruction from Education.
- Batch 28
 - Page 6788 - contains the opinion of a director at Education.
 - Page 6789 - contains the first page of a briefing note, which contains factual information.
- Batch 29
 - Page 6835 contains an email by an executive director at Education, which provides direction or instruction to schools.

[173] I find that Education did not properly apply subsection 17(1)(a) of FOIP to the pages described in the preceding paragraph.

[174] I will consider if pages 635, 636, 638 to 671, 678, 679, 681 and 682 of Batch 10, pages 5491, 6125 to 6127, 6132 to 6134, and 6141 to 6143 of Batch 26, and pages 6792 and 6793 of Batch 28 meet the second part of the two-part test.

2. Was the advice, proposals, recommendations, analyses and/or policy options developed by or for a government institution or a member of the Executive Council?

[175] Pages 131 and 132 of the *Guide to FOIP*, Ch. 4, provide that the advice, proposals, recommendations, analyses, and/or policy options can be developed by a government institution or for a government institution including one not relying on the exemption. This is supported by the use of “a government institution” and not “the government institution” in the provision. Further, “developed by or for” means the advice, proposals, recommendations, analyses, and/or policy options must have been created either: 1) within the government institution, or 2) outside the government institution but for a government institution and at its request (for example, by a service provider or stakeholder).

[176] As described earlier, pages 635, 636, 638, 639, 678, 679, 681 and 682 of Batch 10 contain proposed responses to media inquiries. The proposed responses were developed by a Senior Media Relations Consultant at Education. Therefore, the second part of the two-part test is met and I find that Education properly applied subsection 17(1)(a) of FOIP to these pages.

[177] Pages 670 and 671 of Batch 10 contain a recommendation in a briefing note developed by an Education employee. Therefore, the second part of the two-part test is met and I find that Education properly applied subsection 17(1)(a) of FOIP to these pages.

[178] A portion of page 5491 of Batch 26 contains advice by a Program Manager at Education to a qualified independent school. Further, pages 6125 to 6127, 6132 to 6134, and 6141 to 6143 contain recommended responses developed by a Correspondence Consultant at

Education. Therefore, the second part of the two-part is met and I find that Education properly applied subsection 17(1)(a) of FOIP to these pages.

[179] A portion of page 6790 and page 6791 of Batch 28 contains policy options developed by a director at Education. Further, pages 6792 and 6793 contains analyses of funding to schools by the director at Education. Therefore, the second part of the two-part test is met and I find that Education properly applied subsection 17(1)(a) of FOIP to these pages.

14. Did Education properly apply subsection 17(1)(b) of FOIP?

[180] Education applied subsection 17(1)(b) of FOIP to the following pages:

- Pages 631, 634 to 636, 638, 639, 641, 678 to 682, 685 and 686 of Batch 10.
- Pages 735 and 754 of Batch 11, and
- Pages 5434 to 5442, 5475 to 5478, 5544 to 5546, 6135 and 6193 of Batch 26.

[181] Subsection 17(1)(b) of FOIP provides:

17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

...

(b) consultations or deliberations involving:

- (i) officers or employees of a government institution;
- (ii) a member of the Executive Council; or
- (iii) the staff of a member of the Executive Council;

[182] My office uses the following two-part test to determine if subsection 17(1)(b) of FOIP applies:

1. Does the record contain consultations or deliberations?

2. Do the consultations or deliberations involve officers or employees of a government institution, a member of the Executive Council, or the staff of a member of the Executive Council?

(*Guide to FOIP*, Ch. 4, pp. 136-138)

[183] Pages 136 to 138 of my office's *Guide to FOIP*, Ch. 4, provide the following definitions:

- “Consultation” means the action of consulting or taking counsel together: deliberation, conference; a conference in which the parties consult and deliberate. A consultation can occur when the views of one or more officers or employees of a government institution are sought as to the appropriateness of a particular proposal or suggested action. It can include consultations about prospective future actions and outcomes in response to a developing situation. It can also include past courses of action. For example, where an employer is considering what to do with an employee in the future, what has been done in the past can be summarized and would qualify as part of the consultation or deliberation.
- “Deliberation” means the action of deliberating (to deliberate: to weigh in mind; to consider carefully with a view to a decision; to think over); careful consideration with a view to a decision; A deliberation can occur when there is a discussion or consideration of the reasons for or against an action. It can refer to discussions conducted with a view towards making a decision.
- “Involving” means including.
- “Officers or employees of a government institution”: “Employee of a government institution” means an individual employed by a government institution and includes an individual retained under a contract to perform services for the government institution.

[184] In past reports, I cited Order F2023-13 by Alberta's Office of the Information and Privacy Commissioner (AB IPC) that speak to subsections 24(1)(a) and (b) of Alberta's *Freedom of Information and Protection of Privacy Act* (AB FOIP). Subsection 24(1)(a) and (b) of AB FOIP is similar to subsections 17(1)(a) and (b) of FOIP. In this case, I am citing the Order to clarify what a consultation and deliberation are for the purposes of subsection 17(1)(b) of FOIP:

[para 146] I agree with the interpretation Commissioner Clark assigned to the terms “consultation” and “deliberation” generally. However, as I stated in Order F2012-10, section 24(1)(b) differs from section 24(1)(a) in that section 24(1)(a) is intended to protect communications developed for a public body by an advisor, while section **24(1)(b) protects communications involving decision makers. That this is so is**

supported by the use of the word deliberation: only a person charged with making a decision can be said to deliberate that decision. Moreover, "consultation" typically refers to the act of seeking advice regarding an action one is considering taking, but not to giving advice in relation to it. Information that is the subject of section 24(1)(a) may be voluntarily or spontaneously provided to a decision maker for the decision maker's use because it is the responsibility of an employee to provide information of this kind; however, such information cannot be described as a "consultation" or a "deliberation". Put simply, section 24(1)(a) is concerned with the situation where advice is given, **section 24(1)(b) is concerned with the situation where advice is sought or considered.**

[Emphasis added]

[185] Subsection 17(1)(b) of FOIP deals with the protection of the decision-making process. There needs to be a decision and a decision-maker. If government officials or employees are involved in an advisory role in the decision-making process, then their roles need to be clearly understood. A government institution needs to lay out all these elements.

[186] In its submission, Education said:

Page 735 contain [sic] a consultation involving Ministry employees and involves background information that is relevant for the Ministry to know. On page 754, there is a deliberation between Ministry employees regarding a situation that will require a decision. Both of these documents are subject to 17(1)(b).

Pages 5299, 5303, 5306, 5308 and 5309 reflect proposed responses to media inquires [sic] (i.e. advice or proposal) and analyses from various employees around the suggestion. These emails are internal to the Ministry.

Pages 5434 to 5449 are the priority action plan proposals. This information was fully redacted pursuant to subsections 17(1)(a) and (b). The information contained within these documents are proposals, but the intent is for consultation and deliberation between the ministry and stakeholders.

Pages 5475 to 5478 list the objectives of the Provincial Education Council and the Implementation Team. The objectives were advice, recommendations and a proposal for what the final objectives should be. The record was created to inform consultations and deliberations with stakeholders, which would result in a final document. This was shared with the recipients for the purpose of an update, but also to invite consultation on the final objectives. While that is not explicitly stated in the email on page 5433, the Ministry invites comments and consultation from stakeholders regularly, and the stakeholders proactively provide said feedback on a regular basis. These stakeholders have been involved with the ministry for an extensive period of time, and are aware of the fact that they can provide feedback where they deem necessary.

- [187] I note that in its submission, Education asserted that it applied subsection 17(1)(b) of FOIP to certain pages, such as pages 5299, 5303, 5306, 5308 and 5309 of Batch 25. However, Education had not claimed subsection 17(1)(b) of FOIP on these pages when it responded to the Applicant. Subsection 17(1)(b) of FOIP is a discretionary exemption. Similar to what I have done in my analysis of subsection 17(1)(a) of FOIP, I will not consider subsection 17(1)(b) of FOIP to the pages to which Education had not claimed the exemption when it had responded to the Applicant, pursuant to section 2-4 of my office's *Rules of Procedure*.
- [188] Based on a review of the pages to which Education applied subsection 17(1)(b) of FOIP, my office noted that there is only one instance in which a consultation appears. Page 6193 of Batch 26 contains an internal email among Education employees. The first two sentences of the email timestamped 10:50 a.m. were redacted. The first sentence summarizes a consultation and the advice provided. The consultation involves Education employees. Therefore, I find that Education properly applied subsection 17(1)(b) of FOIP to this first sentence of the email timestamped 10:50 a.m.
- [189] However, my office found no other instance in which the redacted content qualified as a consultation or deliberation. The redacted contents did not include the seeking of views of officers or employees of a government institution regarding the appropriateness of a particular proposal or suggested action (consultation), nor did the redacted contents include any discussions of reasons for or against an action or discussion conducted with a view towards making a decision (deliberation). In Batch 10, for example, I had already found subsection 17(1)(a) of FOIP applies to some of the redacted content to which Education also claimed subsection 17(1)(b) of FOIP. However, for the remaining content, I found that the information did not qualify as a consultation or deliberation. For example, pages 685 and 686 is a summary of an Education employee's annual inspection of schools. The summary is not a consultation or deliberation.
- [190] In Batch 11, Education applied subsection 17(1)(b) of FOIP to one sentence on page 735 and to another sentence on page 754. The sentences are not consultations or deliberations where advice was sought, or a decision was being deliberated.

[191] In Batch 26, Education applied subsection 17(1)(b) of FOIP to pages 5434 to 5442, 5475 to 5478, 5544 to 5546 and 6135 and 6193. Pages 5434 to 5442 are updates from the curriculum review committee. Updates do not qualify as consultations or deliberations. Pages 5475 to 5478 is table of the Provincial Education Council and Provincial Education Plan Implementation Team where Education applied subsection 17(1)(b) of FOIP to the objectives that appear in the table. The objectives do not qualify as a consultation or deliberation. Pages 5544 to 5546 are a draft of a letter from Education to a private individual. Nothing in the draft of a letter qualifies as a consultation or deliberation. Page 6135 is an internal Education email where one sentence is redacted. The one sentence contains instruction, which does not qualify as a consultation or deliberation.

[192] I find that Education did not properly apply subsection 17(1)(b) of FOIP to:

- Pages 631, 634 to 636, 638, 639, 641, 678 to 682, 685 and 686 of Batch 10,
- Pages 735 and 754 of Batch 11, and
- Pages 5434 to 5442, 5475 to 5478, 5544 to 5546 and 6135 of Batch 26.

15. Did Education properly apply subsection 16(1) of FOIP?

[193] Education applied subsection 16(1) of FOIP to the following:

- Page 552 of Batch 10.
- Pages 767 to 770, 772 to 775 to 780, 795 and 797 of Batch 12.

[194] Subsection 16(1) of FOIP provides:

16(1) A head shall refuse to give access to a record that discloses a confidence of the Executive Council, including:

- (a) records created to present advice, proposals, recommendations, analyses or policy options to the Executive Council or any of its committees;

(b) agendas or minutes of the Executive Council or any of its committees, or records that record deliberations or decisions of the Executive Council or any of its committees;

(c) records of consultations among members of the Executive Council on matters that relate to the making of government decisions or the formulation of government policy, or records that reflect those consultations;

(d) records that contain briefings to members of the Executive Council in relation to matters that:

(i) are before, or are proposed to be brought before, the Executive Council or any of its committees; or

(ii) are the subject of consultations described in clause (c).

[195] Page 94 of that *Guide to FOIP*, Ch. 4, provides that subsection 16(1) of FOIP is a mandatory class-based provision. Subsections 16(1)(a) through (d) of FOIP are not an exhaustive list. Therefore, even if none of the subsections are found to apply, the introductory wording of subsection 16(1) of FOIP must still be considered. In other words, is the information a confidence of Executive Council?

[196] Page 100 of the *Guide to FOIP*, Ch. 4 provides the following definitions:

- “Cabinet confidences” are generally defined as, in the broadest sense, the political secrets of Ministers individually and collectively, the disclosure of which would make it very difficult for the government to speak in unison before Parliament and the public.
- “Including” means that the list of information that follows is not complete (non-exhaustive). The examples in the provision are the types of information that could be presumed to disclose a confidence of the Executive Council (Cabinet).

[197] In its submission, Education said:

Page 552 is an Agency Update Form. This form is included as part of the package that proceeds to Cabinet. The form includes personal information to help inform Cabinet about the individual who is proposed to be appointed. The form indicates the legal authority for the appointment, the name of the agency and some background information of the agency (including its address). The form also indicates who the appointee would represent, if applicable. As this document was created for Cabinet, it falls within one of the examples of Cabinet privilege (ss. 16(1)(a)).

The Ministry acknowledges that the entire Cabinet package seems to be missing. Normally, the package would include an Order in Council and background of the Order in Council, which includes an explanation of the board, the history, who is on the board, remuneration requirements and a Fact Sheet. Most of these records appear to be missing. The Ministry will be conducting another search for these records because the Agency Update Form was the only record received.

Pages 767 and 768 summarizes the changes that have been made to a communication strategy in the CDI attached to the email. The CDI is intended for Cabinet and therefore the information in the CDI or information summarizing information in the CDI and the reasons behind it (i.e. how the Cabinet document changes as it is developed within the Ministry) is also protected by Cabinet privilege.

On pages 769, 770, 774, 777 to 780, 795 and 797, the information withheld discloses what item is headed to Cabinet and the topic to be decided upon. The information on these pages also outlined what needs to be updated or changed in the Cabinet Decision Item. The preparation work to a Cabinet document is covered by the exemption as is the specific issue Cabinet is being asked to decide on. On page 32, there is a discussion around timing. The timing of when an item will proceed to Cabinet is protected because it could reveal confidential aspects of the decision-making process, potentially influencing outcomes, compromising strategic positions, or undermining the principle of collective responsibility. It can also lead to speculation around the government's plans or priorities before they are officially announced. The Ministry appreciates that these timelines have since passed but subsection 16(1) is a mandatory exemption, which means once found to apply, it must be applied.

The information withheld based on this exemption on pages 772, 775, and the attachment found on page 773 formed the basis of the CDI. This information was then used to draft the CDI for Cabinet.

[198] Page 552 of Batch 10 contains an Agency Data Update Form. Based on Education's submission, it is a record presented to Cabinet. I find Education properly applied subsection 16(1) of FOIP to page 552 of Batch 10.

[199] Further, pages 767 and 770 of Batch 12 are emails, while page 773 is an attachment to an email. Portions of pages 767 and 770 of Batch 12 describe contents of a Cabinet Decision Item. Therefore, I find that Education properly applied subsection 16(1) of FOIP to portions of pages 767 and 770 of Batch 12. Similarly, page 773 of Batch 12 is a record prepared for Cabinet. Therefore, I find that Education properly applied subsection 16(1) of FOIP to page 773 of Batch 12.

[200] However, for the remaining pages to which Education applied subsection 16(1) of FOIP, I find that they do not contain a cabinet confidence. Pages 768, 769, 772, 774, 775, 777 to 780, 795 and 797 of Batch 12 merely refer to a Cabinet Decision Item but do not contain the substance of the Cabinet Decision Item. Therefore, I find that Education did not properly apply subsection 16(1) of FOIP to pages 768, 769, 772, 774, 775, 777 to 780, 795 and 797 of Batch 12.

[201] I will address Education's acknowledgement that the entire Cabinet package related to page 552 of Batch 10 seems to be missing when I undertake my analysis of Education's search efforts later in this Report.

16. Did Education properly apply subsection 15(1)(c) of FOIP?

[202] Education applied subsection 15(1)(c) of FOIP to pages 685 and 686 of Batch 10. Specifically, Education applied subsection 15(1)(c) of FOIP to portions of an email by the Superintendent of Programs summarizing the annual inspections they had completed at various schools. The subject line, which was disclosed to the Applicant, was "School Visits and annual inspections".

[203] Subsection 15(1)(c) of FOIP provides:

15(1) A head may refuse to give access to a record, the release of which could:

...
(c) interfere with a lawful investigation or disclose information with respect to a lawful investigation;

[204] My office uses the following two-part test to determine if subsection 15(1)(c) applies:

1. Does the government institution's activity qualify as a "lawful investigation"?
2. Does one of the following exist?
 - a. Could the release of the information interfere with a lawful investigation?

b. Could the release disclose information with respect to a lawful investigation?

(*Guide to FOIP*, Ch. 4, pp. 53-54)

1. Does the government institution's activity qualify as a "lawful investigation"?

[205] A "lawful investigation" is an investigation that is authorized or required and permitted by law. The government institution should identify the legislation under which the investigation is occurring. The investigation can be concluded, active and ongoing or be occurring in the future (*Guide to FOIP*, Ch. 4, p. 53).

[206] In its submission, Education said:

The Ministry submits that the investigation was permitted by section 21 of *The Registered Independent School Regulations* and it was also a law enforcement matter (because it was an inspection). The Ministry submits that it has demonstrated that the first part of the test for both subsections 15(1)(c) and (k).

The second part of the test requires the Ministry to establish that releasing the information could disclose information with respect to an open or closed investigation or law enforcement matter. The Ministry submits that releasing the information would disclose information with respect to closed investigation or law enforcement matter.

Pages 685 and 686 contain information that was gathered during an inspection conducted by the Ministry.

[207] In my office's Review Report 030-2020, 050-2020, I had found that an inspection or inquiry under *The Northern Municipalities Act* qualifies as an investigation for the purposes of subsection 15(1)(c) of FOIP. This was because the person appointed to conduct the inquiry was provided powers set out in *The Public Inquiries Act, 2013*. I had found that *The Public Inquiries Act, 2013* provides powers that are consistent with those of an investigation. I had said:

[100] *The Public Inquiries Act, 2013* provides powers that are consistent with those of an "investigation". Sections 11, 12, 13 and 14 of the *Public Inquiries Act, 2013* give powers to compel evidence, power to inspect, power to search with a warrant and evidentiary privileges.

[208] Further, in my office's Review Report 161-2023, I had found that an inquiry pursuant to section 88 of *The Police Act, 1990* qualifies as a lawful investigation for the purposes of subsection 15(1)(c) of FOIP.

[209] In this case, I am considering whether an inspection under section 358 of *The Education Act, 1995* and *The Registered Independent Schools Regulations* qualifies as an investigation for the purposes of subsection 15(1)(c) of FOIP.

[210] Section 358 of *The Education Act, 1995* provides:

358(1) Subject to the regulations, the operator of a registered independent school, or of an educational institution that provides educational services to pupils in courses of instruction prescribed pursuant to this Act, shall provide information to the ministry in the form and at any time that the minister may require with respect to the pupils, teachers, curriculum, facilities and equipment of that registered independent school or other educational institution.

(2) Subject to the regulations, the operator of every registered independent school or of an educational institution mentioned in subsection (1) is obligated to allow any inspection that the minister considers necessary.

[211] In its submission, Education had cited section 21 of *The Registered Independent Schools Regulations*, which deals with the supervision of independent schools. However, sections 23 and 24 of *The Registered Independent Schools Regulations* provide as follows:

23(1) The minister shall cause all registered independent schools, other than associate schools, to be inspected.

(2) The minister may appoint, designate, employ or approve as inspectors of registered independent schools only persons who:

(a) hold a Master of Education degree;

(b) hold a valid Professional A Teacher's Certificate issued pursuant to *The Registered Teachers Act*; and

(c) have a minimum of 2 years of school administration experience.

(3) Inspection of a registered independent school by the ministry:

(a) includes:

(i) examining and inspecting the financial condition or the administrative condition of the school or any other matter relating to the management, administration or operation of the school;

(ii) checking compliance with the Act, these regulations and the criteria for registration on an ongoing and collaborative basis with the school;

(iii) observing any aspect of the educational activities and educational operations in the school to protect the societal interest of educating the pupils in the school;

(iv) an appreciation and recognition of the distinct philosophical orientation of each registered independent school;

(v) reviewing the school's application of and adherence to *The Registered Independent Schools Policy and Procedure Manual* published by the ministry, as amended from time to time;

(v.1) in the case of an approved online learning provider, reviewing the school's application of and adherence to the *Quality Assurance Framework for K-12 Online Learning* published by the ministry, as amended from time to time;

(vi) reviewing pupil and teacher records;

(vii) meeting with pupils, parents, guardians, teachers, school administrators, the director, the principal and any other staff of the school; and

(viii) meeting with the board of the registered independent school;

(b) may include non-directive and unobtrusive supervision of the educational operations of the school.

(4) Inspection of a registered independent school by the ministry does not include inspection of the school's responsibility for:

(a) the recruitment and dismissal of independent school teachers; or

(b) the selection of the school's programs and courses.

24 In accordance with section 358 of the Act and these regulations, every registered independent school, other than an associate school, shall:

(a) permit inspection by the ministry, at all reasonable times, of:

(i) the school's facilities;

(ii) the conduct of the school's educational activities and educational operations; and

(iii) all records in the possession or under the control of the registered independent school that relate to the activities and functioning of the registered independent school;

(a.1) on the written request of the minister and in the manner required by the minister, submit to the minister any records, reports and other information required to be maintained by *The Registered Independent Schools Policy and Procedure Manual* published by the ministry, as amended from time to time;

(a.2) in the case of a registered independent school that is an approved online learning provider, on the written request of the minister and in the manner required by the minister, submit to the minister any records, reports and other information required to be maintained by the *Quality Assurance Framework for K-12 Online Learning* published by the ministry, as amended from time to time;

(b) submit an annual return, on the form provided by the minister, within the period required by the minister; and

(c) promptly provide to the minister copies of any records or any information that:

(i) are requested by the minister; and

(ii) relate to the activities and functioning of the registered independent school.

[212] Based on sections 23 and 24 of *The Registered Independent Schools Regulations*, the ministry appears to have similar powers as a commissioner under *The Public Inquiries Act, 2013* in the course of conducting an inspection. This includes inspecting a school's facilities and requiring schools to promptly provide any records or information requested by the minister.

[213] Therefore, I find that Education's activity qualifies as a "lawful investigation" under *The Registered Independent Schools Regulations*.

2. Does one of the following exist?

a. Could the release of the information interfere with a lawful investigation?

b. Could the release disclose information with respect to a lawful investigation?

- [214] To meet the second part of the test, it is only necessary for the government institution to demonstrate that either the release of the information could interfere with a lawful investigation, or the release of the information could disclose information with respect to a lawful investigation.
- [215] As quoted earlier, Education submitted that releasing the redacted information would disclose information with respect to a closed investigation or law enforcement matter.
- [216] “With respect to” are words of the widest possible scope; the phrase is probably the widest of any expression intended to convey some connection between two related subject matters (*Guide to FOIP*, Ch. 4, p. 54).
- [217] Section 15 of FOIP uses the word “could” versus “could reasonably be expected to” as seen in other provisions of FOIP. The threshold for “could” is somewhat lower than a reasonable expectation. The requirement for “could” is simply that the release of the information “could” have the specified result. There would still have to be a basis for asserting the outcome could occur. If it is fanciful or exceedingly remote, the exemption should not be invoked (*Guide to FOIP*, Ch. 4, p. 55).
- [218] Based on the portions of pages 685 and 686 that Education applied subsection 15(1)(c) of FOIP, I find that the release of those particular portions would disclose information about the inspections conducted by Education.
- [219] I find that Education properly applied subsection 15(1)(c) of FOIP to pages 685 and 686 of Batch 10.
- [220] Since Education applied subsection 15(1)(k) of FOIP to the same portions to which it applied subsection 15(1)(c) of FOIP, there is no need for me to consider subsection 15(1)(k) of FOIP.

17. Did Education properly apply subsection 27(1) of HIPA?

[221] Education applied subsection 27(1) of HIPA to the following:

- Pages 597, 598 and 698 of Batch 10,
- Page 3872, 3885, 3886, 3898, 3899, 3904 and 3905 of Batch 20, and
- Page 6321 of Batch 26

[222] Subsection 27(1) of HIPA provides:

27(1) A trustee shall not disclose personal health information in the custody or control of the trustee except with the consent of the subject individual or in accordance with this section, section 28 or section 29.

[223] In their submission, the Applicant said:

With respect to pages 3872, 3885, 3886, 3898, 3899, 3904 and 3905 the pages are in a range from 3865 to 3912 which was fully withheld by the Ministry. Accordingly, we are unable to confirm whether the referenced pages contain information as to the physical health of an individual. The Ministry has redacted the records in full, without stating that all information on the pages is personal health information withheld pursuant to section 29(1) of the Act and section 27(1) of HIPA.

[224] Earlier in this Report, I noted that in Batch 10, portions of pages 597, 598 and 698 contain information about the physical health of a staff member at a school. I also stated that in Batch 20, portions of pages 3872, 3885, 3886, 3898, 3899, 3904 and 3905 contain information about the physical or mental health of students. Finally, I stated that batch 26, page 6321 contains information about the physical health of an employee. This is personal health information as defined by subsection 2(1)(m)(i) of HIPA. As such, I find that Education properly applied subsection 27(1) of HIPA to pages 597, 598 and 698 of Batch 10, pages 3872, 3885, 3886, 3898, 3899, 3904 and 3905 of Batch 20, and pages 6321 of Batch 26.

[225] I note that Education identified the page range of 3865 to 3912 of Batch 20 as containing personal health information. In the preceding paragraph, I have already found that pages 3885, 3886, 3898, 3899, 3904 and 3905 (which is within the page range of 3865 to 3912 of Batch 20) contain personal health information as defined by subsection 2(1)(m)(i) of

HIPA. However, within the identified page range, I also find that page 3872 of Batch 20 contains personal health information. I find that Education has properly applied subsection 27(1) of HIPA to page 3872 of Batch 20.

[226] The remainder of the information within the page range of 3865 to 3912 is personal information under section 29 of FOIP, which I have considered earlier in this Report.

18. Is there information in the records at issue that is not responsive to the Applicant's access to information request?

[227] Education identified the following pages (or portions of pages) as not responsive to the Applicant's access request:

- Pages 3926 to 3939, 3942 to 3958, 3962 to 3963, 3966 to 3971, 3975 to 3976, 3979 to 3984, 3988 to 3992, 3995 to 4002, 4006, 4010 to 4014, 4018 to 4019, 4022 to 4029, 4033 to 4034, 4037 to 4042, 4046 to 4050, 4053 to 4059, 4063 to 4064, 4067 to 4073, 4076 to 4082, 4086 to 4087, 4091 to 4092, 4095 to 4110, 4114 to 4115, 4118 to 4124, 4127 to 4130, 4133 to 4140, 4143 to 4145, 4148 to 4155, 4158 to 4164, 4167 to 4174, 4177 to 4183, 4186 to 4192, 4195 to 4197, 4200 to 4206, 4209 to 4211, 4214 to 4220, 4223 to 4225, 4228 to 4237, 4240 to 4242, 4245 to 4254, 4257 to 4263, 4266 to 4270, 4273 to 4278, 4281 to 4288, 4291 to 4293, 4296 to 4303, 4306 to 4308, 4311 to 4319, 4322 to 4324, 4327 to 4335, 4339 to 4340, 4343 to 4349, 4352 to 4363, 4366 to 4414, 4417 to 4539, 4542 to 4544, 4547, 4561, 4564 to 4576, 4579 to 4591, 4594 to 4602, 4605 to 4621, 4624 to 4637, 4640 to 4664, 4667 to 4692, 4695 to 4707, 4710 to 4721, 4724 to 4736, 4739 to 4751, 4754 to 4770, 4773 to 4788, 4791 to 4807, 4810 to 4824, 4827 to 4841, 4844 to 4858, 4861 to 4880, 4883 to 4895, 4898 to 4912, 4915 to 4925, 4928 to 4946, 4949 to 4967, 4970 to 4982, 4985 to 4994, 4997 to 5011, 5014 to 5025, 5028 to 5047, 5050 to 5070, 5073 to 5075 of Batch 22.
- Pages 5088, and 5096 to 5100 of Batch 23.
- Pages 5251, 5253, 5256, 5257, 5294, 5295 and 5296 of Batch 24.
- Pages 5298, 5299, 5300, 5304, 5305, 5306 and 5307 of Batch 25.
- Pages 5408 to 5414, 5416 to 5426, 5432, 5500 to 5503, 5561 to 5577, 5626, 5633 to 5654, 5662 to 5724, 5727, 5762 to 5767, 5815 to 5842, 6144 to 6146, 6161 to 6189, 6195 to 6196, 6201, 6211 to 6212, 6255, 6260 to 6261, 6279, 6281, 6283 to 6288, 6290 to 6294, 6296, 6320, 6332 to 6342, 6348 to 6350, 6352, 6376, 6378 to

6384, 6399 to 6402, 6406 to 6411, 6496, 6500 to 6502, 6514, 6518, 6521, 6554, 6556, 6559 to 6560 of Batch 26.

[228] When a government institution receives an access to information request, it must determine what information is responsive to the access request. Responsive means relevant. The term describes anything that is reasonably related to the request. It follows that any information or records that do not reasonably relate to an applicant's request will be considered "not responsive" (*Guide to FOIP*, Chapter 3: "Access to Records", updated May 5, 2023 [*Guide to FOIP*, Ch. 3], pp. 26-27).

[229] When determining what information is responsive, consider the following:

- The request itself sets out the boundaries of relevancy and circumscribes the records or information that will ultimately be identified as being responsive.
- A government institution can remove information as not responsive only if the applicant has requested specific information, such as the applicant's own personal information.
- The government institution may treat portions of a record as not responsive if they are clearly separate and distinct and entirely unrelated to the access request. However, use it sparingly and only where necessary.
- If it is just as easy to release the information as it is to claim not responsive, the information should be released (i.e., releasing the information will not involve time consuming consultations nor considerable time weighing discretionary exemptions).
- The purpose of FOIP is best served when a government institution adopts a liberal interpretation of a request. If it is unclear what the applicant wants, a government institution should contact the applicant for clarification. Generally, ambiguity in the request should be resolved in the applicant's favour.

(*Guide to FOIP*, Ch. 3, pp. 26-27)

[230] In its submission, Education said:

In this circumstance, the Ministry redacted portions of the record that are clearly separate and distinct and entirely unrelated to the access request. An applicant has an obligation, under s. 6(b) of FOIP, to specify the subject matter of the record(s) they are seeking. In this circumstance, the Applicant specifically sought information relating

LCA. The information withheld as non-responsive is funding information provided to other third parties (pages 3924 to 5075), or spreadsheets and emails containing information related to other schools (pages 5096 to 5100, 5251, 5253, 5256, 5257, 5294 to 5296, 5298-5300, 5304-5307, 5432, 5500-5503, 5561-5577, 5626, 5633-5653, 5662-5724, 5727, 5762-5767, 5815-5842, 6144-6146, 6161-6189, 6194-6196, 6201, 6212, 6260, 6261, 6279, 6281, 6283-6294, 6296, 6320, 6332-6342, 6348-6350, 6352, 6376, 6378-6384, 6399-6402, 6406-6410, 6496, 6500-6502, 6514, 6518, 6521, 6554, 6556, 6559, 6560, 6618-6620, 6638, 6639, 6642, 6643, 6652, 6653, 6696-6699) and draft letters to other schools (5409-5414, 5416-5426, and 5762-5767).

- [231] Also, Education cited *Hennessey v. Eastern Regional Integrated Health Authority, 2012 NLTD(G) 20*, where the Supreme Court of Newfoundland and Labrador Trial Division (General) found certain records to be non-responsive and “therefore exempt from disclosure.” Also, Education cited paragraph [10] of *Ontario (Attorney General) v. Ontario (Information and Privacy Commissioner), 2007 CanLII 65615 (ON SCDC)*, where the Ontario Superior Court of Justice Division Court noted that in PO-2548, Ontario’s Office of the Information and Privacy Commissioner upheld Ontario’s Ministry of Attorney General’s decision to deny access to records because the information was deemed non-responsive.
- [232] Batch 22 contains several Multi-Informational Database Applications (MIDAS) Government of Saskatchewan Payables Account Analysis Reports (MIDAS Report), which lists payments made by the Government of Saskatchewan to suppliers. Education released information about payments made to Legacy Christian Academy but redacted the remainder of the reports (payments made to organizations that are not Legacy Christian Academy) and marked the information as “not responsive”.
- [233] In Batch 23, Education marked information as not responsive in records that contains enrollment and payment information to qualified independent schools and historical high schools.
- [234] In Batch 24, Education marked information as not responsive in records that contain enrollment and payment information to qualified independent schools and historical high schools and information about the number of home-based students in school divisions.

- [235] In Batch 25, Education marked information as not responsive in a consolidated statement of operating grant revenues and expenses for qualified independent schools, and in an email containing estimated funding amounts for associate schools, qualified independent schools and historical high schools.
- [236] In Batch 26, Education marked information in inspection letters to schools (other than Legacy Christian Academy) as not responsive. It also marked information in a MIDAS Report.
- [237] In Batches 23 to 26, my office noted that the information that Education marked as not responsive is indeed not responsive to the Applicant's access request. The Applicant requested records related to Legacy Christian Academy and not to other organizations.
- [238] However, as noted at pages 26 and 27 my office's *Guide to FOIP*, Ch. 3, if it is just as easy to release the information as it is to claim the information as not responsive, then the information should be released. An example is at pages 5299 and 5300 of Batch 25. An Education employee has proposed a response to a media inquiry. The proposed response includes information about estimated funding amounts for associate schools, qualified independent schools and historical high schools – which Education marked as not responsive. In information that was released to the Applicant, the Executive Director of the Programs Branch approved the response. Therefore, the information marked as not responsive was likely released to the media already. Since the information has likely been released, then Education should just release the information to the Applicant as well.
- [239] In my blog, "[What About the Non-Responsive Record?](#)", I said it is a waste of time to sever information that is not responsive and the unnecessary severing causes applicants to be suspicious that something is hidden as follows:

In other situations, a record may have responsive and non-responsive information in it. The public body is obliged to provide the applicant with the responsive information (subject to exemptions), and it has to decide what to do with the non-responsive information in that same record. **Again, I suggest best practice is to provide the non-responsive information to the applicant (subject to exemptions). Alternatively, the public body might choose to sever the non-responsive information, but that strikes**

me as a waste of time. Unnecessary severing causes applicants to be suspicious that something is being hidden. An applicant could submit a second access request for the severed non-responsive portions and the public body would have to provide it (subject to exemptions). So, this blog is written just to encourage public bodies to release non-responsive portions of records where an exemption does not apply.

[Emphasis added]

[240] In this case, it appears that the severing of information and marking them as not responsive was unnecessary. In fact, marking records as not responsive when it was just as easy to just release the records may have contributed to the delays experienced by the Applicant, as discussed in my office's Review Report 247-2022. I recommend that Education release the information it marked as not responsive to the Applicant subject to any exemptions found to apply.

19. Did Education conduct a reasonable search to locate records?

[241] My office reviews a government institution's efforts to search for records when it responds to an Applicant's access request by indicating that records do not exist. The focus of a search review by my office is whether the government institution conducted a reasonable search. As noted above, a reasonable search is one in which an employee, experienced in the subject matter, expends a reasonable effort to locate records which are reasonably related to the request. A reasonable effort is the level of effort you would expect of any fair, sensible person searching areas where records are likely to be stored. What is reasonable depends on the request and related circumstances (*Guide to FOIP*, Ch. 3 at pp. 13-14).

[242] Applicants must establish the existence of a reasonable suspicion that a government institution is withholding a record or has not undertaken an adequate search for a record (*Guide to FOIP*, Ch. 3, p. 13). In this case, the Applicant informed my office that there is a "dramatic difference in the volume of records prior to and after approximately 2011". My office asked Education to speak to this in its submission to my office, in addition to describing its efforts to search for records responsive to the Applicant's access request.

[243] When a government institution receives a notice of a review from my office requesting details of its search efforts, some or all of the following can be included in the government institutions' submission (not exhaustive):

- For personal information requests – explain how the individual is involved with the government institution (i.e., client, employee, former employee etc.) and why certain departments/divisions/branches were included in the search.
- For general requests – tie the subject matter of the request to the departments/divisions/branches included in the search. In other words, explain why certain areas were searched and not others.
- Identify the employee(s) involved in the search and explain how the employee(s) is experienced in the subject matter.
- Explain how the records management system is organized (both paper & electronic) in the departments/divisions/branches included in the search.
- Describe how records are classified within the records management system. For example, are the records classified by:
 - Alphabet
 - Year
 - Function
 - Subject
- Consider providing a copy of your organization's record schedule and screen shots of the electronic directory (folders & subfolders).
- If the record has been destroyed, provide copies of record schedules and/or destruction certificates.
- Explain how you have considered records stored off-site.
- Explain how records that may be in the possession of a third party but in the government institution's control have been searched such as a contractor or information management service provider.
- Explain how a search of mobile electronic devices was conducted (i.e., laptops, smart phones, cell phones, tablets).
- Explain which folders within the records management system were searched and how these folders link back to the subject matter requested. For electronic folders – indicate what key terms were used to search if applicable.

- Indicate the calendar dates each employee searched.
- Indicate how long the search took for each employee.
- Indicate what the results were for each employee's search.
- Consider having the employee that is searching provide an affidavit to support the position that no record exists or to support the details provided. For more on this, see *Using Affidavits in a Review with the IPC*.

(Guide to FOIP, Ch 3, pp. 14-15)

[244] In its submission, Education said:

The initial search occurred between August 16, 2022 and October 21, 2022, using the Responsive Records Search Checklist from the IPC website. The search was conducted by a Research Officer, formerly in Legislative Services and Privacy (LSP), who had moved to another branch. This employee was temporarily on loan to LSP to assist in conducting the search. This employee, in their role in LSP, was responsible for records management for the unit and for access to information requests. Their experience included providing advice and guidance to branches on conducting adequate searches for records in response to access requests, and had routinely conducted these searches on behalf of the unit. This employee was responsible for this work for approximately three years.

The search terms used were Legacy, Christian Centre, Thuringer, and Wiggins. Electronic, email, paper and records storage records were searched to locate records responsive to this request. Boxes were recalled from records storage and scanned.

Between November 2023 and January 2024, additional searches of records sent to storage were conducted. The employees responsible for the additional searches were the person in charge of records management for the Ministry, and the second was an employee of LSP. The records management employee has been with the Ministry for approximately three years, and has been responsible for records management for Education for that entire time. They are well versed in the transfers that are at records centre and conduct searches for records on a regular basis. The LSP employee was also well versed in conducting searches. They ... have experience determining the responsiveness of records related to requests. No additional records were located because of that search.

On March 28, 2024, a letter was sent from the Director of LSP to the Applicant and advised that additional searches had been conducted and no records from 1982 to 1988 had been located (**Appendix A**). It was also communicated at that time that while the Director of LSP is certainly no expert on registered independent schools, that it

appeared that private schools were not registered with the Department of Education (as it was called at the time) until 1989.

During the drafting of this submission, the Ministry noticed that some records seemed to be missing and is in the process of conducting a further search for those records. If located, these records would fall within the exemption provided for in subsection 16(1) because the documents are part of a package that proceeded to Cabinet.

[245] While Education's submission provides a description of its efforts to search for responsive records, it does not address the Applicant's assertion that there is a "dramatic difference in the volume of records prior to and after approximately 2011."

[246] My office reviewed Batches 7 to 32 and noted that only Batches 31 and 32 contained any records that dated prior to 2011. As described earlier in this Report in my analysis of subsection 29(1) of FOIP, Batches 31 and 32 contain records such as applications for Letters of Eligibility and teacher certificates, as well as copies of the Letters of Eligibility and teacher certificates. Examples of other information these two batches contain are inspection reports, annual returns (which is a form required to be filled out by registered independent schools), statistical reports filled out by the principal and a form entitled "Teacher's Yearly Report on Qualifications, Salary and Experience". Batch 31 appears to contain records dating from 2000 to 2013 while Batch 32 appears to contain records dating from 1989 to 2000. The nature of the records in Batch 31 and 32 appear to be different in nature than the records in Batches 7 to 30. This could be because the number of records in Batches 7 to 30 total 6972 pages and contain records from 2011 to 2022, while Batches 31 to 32 total 1296 pages of records and contain considerably older records. I agree with the Applicant that there is a dramatic difference in the volume of records prior to and after approximately 2011.

[247] Since my office is only considering Batches 7 to 32, and not the first six batches, it could be assumed that perhaps a significant number of pages that are dated prior to 2011 were provided to the Applicant in Batches 1 to 6, which are not being considered in this Report. However, at paragraphs 6, 9, 10 and 12 in my office's Review Report 247-2022, I noted the following:

- Batch 1 was 47 pages of records for the period 2011 to 2022.
- Batch 2 was 198 pages of records for the period 2010 to 2022.
- Batch 3 was 113 pages of records for the period 2012 to 2022.
- Batch 4 was 170 pages of records for the period 2011 to 2022.
- Batch 5 was 46 pages of records for the period 2015 to 2022.
- Batch 6 was 180 pages of records for the period 2011 to 2022.

[248] There were no records dated prior to 2011 that were provided to the Applicant in the first six batches.

[249] I note that Education provided an explanation to the Applicant in a letter dated March 28, 2024 as to why it did not have records from 1982 to 1988. Education said:

I can also advise that when the Ministry processed the last package of scanned documents for your request, we realized that there were no documents that pre-date 1989. My staff conducted a secondary review of documents in storage, and no additional records were located. Therefore, I can advise that the Ministry has no records from 1982 to 1988.

It is my understanding (although I am certainly no expert) that private schools were not registered with the then Department of Education until 1989. This may help explain why the Ministry does not have any records from 1982 to 1988.

[250] However, I note that Education has not provided any explanation as to why the volume of records it located from 1989 to 2011 is sparse compared to the records Education has from 2011 and onwards. For example, one possible explanation is that due to their age, Education may have destroyed such records in accordance with records retention and destruction schedules. Another possible explanation is that the smaller number of records is a reflection of the time when records were only handwritten, were created by typewriter, or when email was not widely used, which would result in a smaller number of records. However, Education has not provided my office with evidence that records from 1989 to 2011 may have been destroyed pursuant to records retention and destruction schedules. Nor have they

provided any explanation as to how records from prior to 2011 were organized and stored and how Education searched for them.

[251] Based on the information provided to my office, I find that Education has not demonstrated it has made a reasonable effort to search for records dating from 1989 to 2011. I recommend that Education conduct another search for records dating from 1989 to 2011 that are responsive to the Applicant's access request within 30 days of issuance of this Report.

[252] In addition, in its addendum to its submission, Education noted that it had identified an attachment in an email dated November 10, 2011 in Batch 12 that was not provided to the Applicant. The attachment was entitled "All Schools-Programs All Students by School by Grade – internal use only – FINAL Nov 1 2011.xls". However, Education said the document was password-protected and the document could not be recovered:

Finally, during the review to determine duplicate records, it was noted that an attachment to page 791 is missing. In an attempt to access this record, it was discovered that the record is password protected. The email on page 791 notes that the information within the spreadsheet is an internal document and should not be distributed to outside agencies in order to protect the privacy of the children listed on the enrolment report, and therefore would have likely been subject to exemption pursuant to subsection 29(1) of *The Freedom of Information and Protection of Privacy Act*. Efforts have been made to find the password.

However, as the email is from 2011, the employee who created the spreadsheet has since left government, as have two of the recipients. The final employee is still employed within the ministry, but she does not recall the password due to the passage of time. Additional attempts have been made within the branch where the document was sent to determine if a hard copy of the spreadsheet exists, or if anyone currently working within the branch can find the password. All attempts to access this spreadsheet have been unsuccessful and the ministry has no ability to recover this document.

[253] While Education located the record, Education is unable to process it as part of its response to the access request because it is inaccessible. Education's attempts to recover the password demonstrates it made reasonable effort to recover the document. I recommend that, if Education agrees to my recommendation to conduct another search for records from 1989 to 2011, that Education ensure its search for records include searching for a non-password protected version of the record. I also recommend that Education ensure its

record-keeping policies ensure that its records are stored in such a way that the records are retrievable.

[254] Regarding Education's mention in its submission (quoted earlier) that it determined some records were missing, I recommend that Education follow through with its search for records that it determined were missing. I recommend that Education release the records to the Applicant, subject to any exemptions it determines may apply, within 30 days of issuance of this Report.

20. Did Education properly withhold records that it considered duplicates?

[255] In Education's letter dated August 16, 2023 to the Applicant (which enclosed Batch 12), Education said:

You will observe the Legacy information is found within these documents alongside other qualified independent schools' information. As a number of the attachments have been previously released to you, they are not included again.

[256] Education said the same thing to the Applicant in two letters dated November 2, 2023 (which enclosed Batch 19 and Batch 20).

[257] In the course of my office's review, Education identified 5 pages that it removed from Batch 12. In its addendum to its submission, Education explained:

In a comparison of pages 1 through 5 of the attached Duplicate Records Batch 12, the ministry has been able to confirm the following:

1. The missing record should have been attached to page 766. The attachment name is "IS Master List (In progress) 2010-11.xls".
2. The missing record is identical to the attachment to pages 809 and 810; however, the file name for this record is "IS Master List (In progress) 2011-12.xls".
3. Page 1 of the Duplicate Records Batch 12 is identical to pages 808 and 812.
4. Page 2 of the Duplicate Records Batch 12 is identical to page 813.
5. Page 3 of the Duplicate Records Batch 12 is identical to page 814.
6. Page 4 of the Duplicate Records Batch 12 is identical to pages 811 and 815.
7. Page 5 of the Duplicate Records Batch 12 is identical to page 816.

[258] Education released these 5 pages, in full, to the Applicant in the course of my office's review.

[259] Then, Education identified 21 pages that were removed from Batch 19. In its addendum to its submission, Education said:

In a comparison of pages 1 through 25 [sic] of the attached Duplicate Records Batch 19, the ministry has been able to determine the following:

1. Pages 1 through 3 of the Duplicate Records Batch 19 are identical to the content on page 811. It appears that a different print version was created, but the information on these pages is the same.
2. Page 6 of the Duplicate Records Batch 19 is identical to page 804.
3. Page 7 of the Duplicate Records Batch 19 is identical to page 805. Pages 18 through 20 are also identical. However, it does appear that a different print version was created. The information on these pages is identical to that on page 805.
4. Page 8 of the Duplicate Records Batch 19 is identical to page 806.
5. Pages 9 and 10 of the Duplicate Records Batch 19 are substantially similar to page 802. Some of the information on pages 9 and 10 appears to be updated, and the print size has changed.
6. Pages 11 and 12 of the Duplicate Records Batch 19 are substantially similar to page 803. The difference between these records is that Nipawin Christian School notes grades K to 12 on page 803, and #REF on page 11 and World Revival Preparatory School (SAICA) notes JK to 12 on page 803 and %REF on page 11. In addition, it appears that the print size has changed.
7. Pages 13 through 17 of the Duplicate Records Batch 19 are identical to the content on page 804. It appears that a different print version was created, but the information on these pages is the same.
8. Page 21 of the Duplicate Records Batch 19 is similar to page 816. Some of the information has been updated on page 21, and the records are not identical.

While some of the pages are not identical, given the size of this file, it is not unreasonable that an employee thought the records were identical when they were not. However, this was an error on the part of the ministry, and the records were not identical, and as such, pages 9 through 12 and 21 will be released to the Applicant, with the applicable redactions. Please note, the arguments made for the exemptions on pages

802, 803 and 816 apply to pages 9 through 12 and 21 of the Duplicate Records Batch 19.

- [260] Education released the 21 pages from Batch 19 to the Applicant but it redacted portions of these pages pursuant to subsection 29(1) of FOIP.
- [261] Finally, Education identified one page that was removed from Batch 20. In its addendum to its submission, Education said:

In a comparison of page 1 of the attached Duplicate Records Batch 20, the ministry has been able to confirm the following:

1. Page 1 of Duplicate Records Batch 20 is substantially similar to page 814. However, it appears that the information on page 1 of Duplicate Records Batch 20 has been updated, and the record is not identical.

While this page is not identical, given the size of this file, it is not unreasonable that an employee thought the records were identical when they were not. However, this was an error on the part of the ministry, and the record was not identical, and as such, page 1 will be released to the Applicant, with the applicable redactions. Please note, the arguments made for the exemptions on page 814 apply to page 1 of the Duplicate Records Batch 20.

- [262] Education released the one page from Batch 20 to the Applicant but it redacted portions of the page pursuant to subsection 29(1) of FOIP.
- [263] Earlier, in my analysis of subsection 29(1) of FOIP, I found that Education had redacted information from Duplicate Pages – Batch 19 and Duplicate Pages – Batch 20 that I found to not qualify as “personal information” as defined by subsection 24(1) of FOIP. I recommend that Education release the information it redacted from Duplicate Pages – Batch 19 and Duplicate Pages – Batch 20 to the Applicant within 30 days of the issuance of this Report.
- [264] Subsection 5.1(1) of FOIP requires government institutions to respond to access requests openly, accurately and completely. To respond to an access request completely means to provide the duplicate records to the Applicant, subject to whatever exemptions are found to apply. However, if the government institution is going to leave out duplicate records,

then a part of its duty to assist is to provide an applicant with an explanation for doing so. For example, if pages are exact duplicates and there will be a cost to the applicant to provide those duplicates (e.g., reproduction costs), then the government institution should provide that explanation to the applicant. The applicant, for their part, may insist on receiving the duplicates (See [Review Report 301-2023](#) at paragraphs [111] and [112]).

[265] I note that Education has taken steps to correct its error in removing pages that were similar but not identical to other pages already provided to the Applicant. However, in the future, if Education intends to remove duplicate records, I recommend that Education contact the applicant first to determine if the applicant wants them removed. If the applicant does not indicate they wish for duplicates to be removed, then Education should include the duplicates, subject to any exemptions that may apply, in the processing of the access request.

IV FINDINGS

[266] I find that I have jurisdiction to conduct this review.

[267] I find that Education properly applied subsection 29(1) of FOIP to information about students such as their names, grades, assessments, addresses and descriptions of students.

[268] I find that Education properly applied subsection 29(1) of FOIP to images of passports, birth certificates, marriages licenses, and name change certificates.

[269] I find that Education properly applied subsection 29(1) of FOIP to private individuals' names and contact information who wrote to the Minister of Education with their concerns.

[270] I find that Education properly applied subsection 29(1) of FOIP to the home and/or mailing addresses of teachers.

[271] I find that Education properly applied subsection 29(1) of FOIP to information about why an employee leaving their employment with an independent school.

- [272] I find that Education improperly applied subsection 29(1) of FOIP to information that is business card information or work product information.
- [273] I find that Education improperly applied subsection 29(1) of FOIP to the Letters of Eligibility and teacher certificates that appear in Batches 31 and 32.
- [274] I find that teacher certificate numbers and Educator ID numbers to qualify as personal information pursuant to subsection 24(1)(d) of FOIP.
- [275] I find that Education properly applied subsection 29(1) of FOIP to teacher certificate numbers and Educator ID numbers.
- [276] I find that Education properly applied subsection 29(1) of FOIP to personal information that was submitted to Education to support an application for the Letters of Eligibility or teacher certificates, which are records that appear in Batches 31 and 32.
- [277] I find that Education made a *prima facie* case that subsection 22(a) of FOIP applies to pages 38, 839, 840, 842, 843 and 844 of Batch 13, and page 6195 of Batch 26.
- [278] I find that Education did not properly apply subsection 22(a) of FOIP to page 5582 of Batch 26.
- [279] I find that Education did not properly apply subsection 22(b) of FOIP to page 5582 of Batch 26.
- [280] I find that Education did not properly apply subsection 22(c) of FOIP to page 5582 of Batch 26.
- [281] I find that Education properly applied subsection 19(1)(b) of FOIP to page 5558 of Batch 26.

[282] I find that Education did not properly apply subsection 19(1)(b) of FOIP to page 759 of Batch 11, page 5598 of Batch 26, pages 6911 and 6912 of Batch 29, and page 7021 of Batch 31.

[283] I find that Education did not properly apply subsection 19(1)(c)(i) of FOIP to page 759 of Batch 11 and pages 5509 to 5513, 5598, 6240, 6270, 6597 and 6610 of Batch 26.

[284] I find that Education has not properly applied subsection 19(1)(c)(ii) of FOIP to page 759 of Batch 11 and pages 5509 to 5513, 5598, 6240, 6597 and 6610 of Batch 26.

[285] I find that Education did not properly apply subsection 19(1)(c)(iii) of FOIP to page 759 of Batch 11 and pages 5509 to 5513, 5598, 6240, 6597 and 6610 of Batch 26.

[286] I find that Education did not properly apply subsection 19(1)(d) of FOIP to page 759 of Batch 11, pages 5643 to 5653, and pages 5714 to 5724 of Batch 26. .

[287] I find that Education did not properly apply subsection 18(1)(b) of FOIP to pages 756 to 757 of Batch 11.

[288] I find that Education did not properly apply subsection 18(1)(d) of FOIP to pages 6702, 6703 and 6704 of Batch 28.

[289] I find that Education did not properly apply subsection 17(1)(a) of FOIP to:

- pages 552, 631, 634, 641, 675, 680, 685, 686 693, 694, 697, 701, 704, 708, 712 and 715 of Batch 10,
- page 2400 and 2401 of Batch 18,
- pages 5308 and 5309 of Batch 25,
- pages 5415, 5434 to 5442, 5475 to 5478, 5814, 6270, 6271, 6272, 6274 and 6275 of Batch 26,
- pages 6788 and 6789 of Batch 28, and

- page 6835 of Batch 29.

[290] I find that Education properly applied subsection 17(1)(a) of FOIP to:

- portions of pages 635, 636, 638, 639, 670, 671, 678, 679, 681 and 682 of Batch 10,
- portions of pages 5491, 6125 to 6127, 6132 to 6134, and 6141 to 6143 of Batch 26, and
- pages 6790, 6791, 6792 and 6793 of Batch 28.

[291] I find that Education properly applied subsection 17(1)(b) of FOIP to this first sentence of the email timestamped 10:50am.

[292] I find that Education did not properly apply subsection 17(1)(b) of FOIP to:

- Pages 631, 634, 635, 636, 638, 639, 641, 678, 679, 680, 681, 682, 685 and 686 of Batch 10,
- Pages 735 and 754 of Batch 11, and
- Pages 5434, 5435, 5436, 5437, 5438, 5439, 5440, 5441, 5442, 5475, 5476, 5477, 5478, 5544, 5545, 5546 and 6135 of Batch 26.

[293] I find that Education properly applied subsection 16(1) of FOIP to portions of pages 767 and 770 of Batch 12.

[294] I find that Education properly applied subsection 16(1) of FOIP to page 773 of Batch 12.

[295] I find that Education did not properly apply subsection 16(1) of FOIP to pages 768, 769, 772, 774, 775, 777, 778, 779, 780, 795 and 797 of Batch 12.

[296] I find that Education properly applied subsection 15(1)(c) of FOIP.

[297] I find that Education properly applied subsection 27(1) of HIPA to pages 597, 598 and 698 of Batch 10, pages 3872, 3885, 3886, 3898, 3899, 3904 and 3905 of Batch 20, and pages 6321 of Batch 26.

[298] I find that Education has properly applied subsection 27(1) of HIPA to page 3872 of Batch 20.

[299] I find that Education has made efforts to locate records responsive to the Applicant's access request; however, Education has not demonstrated it has made a reasonable effort to search for records dating from 1989 to 2011.

[300] I find that the information that Education marked as non-responsive in Batches 23, 24, 25 and 26 is indeed not responsive to the Applicant's access request.

V RECOMMENDATIONS

[301] I recommend that Education release the information it marked as not responsive to the Applicant subject to any exemptions found to apply within 30 days of issuance of this Report.

[302] I recommend that Education conduct another search for records dating from 1989 to 2011 that are responsive to the Applicant's access request within 30 days of issuance of this Report.

[303] I recommend that, if Education agrees to my recommendation to conduct another search for records from 1989 to 2011, that Education ensure its search for records include searching for a non-password protected version of the attachment to the email dated November 10, 2011 in Batch 12.

[304] I recommend that Education ensure its record-keeping policies ensure that its records are stored in such a way that the records are retrievable.

[305] Regarding Education's mention in its submission (quoted earlier) that it determined some records were missing, I recommend that Education follow through with its search for records that it determined were missing. I recommend that Education release the records to the

Applicant, subject to any exemptions found to apply, within 30 days of issuance of this Report.

[306] I recommend that Education release the information it redacted from Duplicate Pages – Batch 19 and Duplicate Pages – Batch 20, subject to any exemptions that may apply, to the Applicant within 30 days of issuance of this Report.

[307] In the future, if Education intends to remove duplicate records, I recommend that Education contact the applicant first to determine if the applicant wants them removed. If the applicant does not indicate they wish for duplicates to be removed, then Education should include the duplicates, subject to any exemptions that may apply, in the processing of the access request.

[308] Enclosed in the copy of this Report sent by my office to Education is a copy of the records at issue that my office has marked what should be withheld. I recommend that Education release the portions of the records at issue that are not red-lined to the Applicant within 30 days of the issuance of this Report.

Dated at Regina, in the Province of Saskatchewan, this 18th day of September, 2024.

Ronald J. Kruzeniski, K.C.
A/Saskatchewan Information and Privacy
Commissioner

THIS IS EXHIBIT "**FF**" REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-



November 18, 2011

29(1) Principal
Christian Centre Academy
102 Pinehouse Drive
SASKATOON, SK S7K 5H7

Dear 29(1) :

Thank you for the opportunity to visit your school.

The Education Act 10(1) and 361(1) and *The Independent Schools Regulations* 15(1) and (2) and 16 provide the framework for the inspection of registered Independent Schools.

Upon inspection on November 17, 2011, Christian Centre Academy, was found to be in compliance with the Act and Regulations with respect to facilities, educational activities, educational operations and school records.

It was also determined that Christian Centre Academy provides instruction in the required areas of study and that instruction is appropriate for the age and ability of its pupils, comparable in quality to that of schools and consistent with generally accepted teaching principles.

I encourage you to continue working with 29(1) on aligning SAICS Curriculum with Ministry of Education's outcomes based curricula.

I wish you success in the 2011-2012 school year.

If you have questions or require further assistance, I can be contacted at 933-5028 or crandall.hrynkiw@gov.sk.ca.

Sincerely,

Crandall Hrynkiw
Regional Director of Education

THIS IS EXHIBIT "GG" REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-

Independent Schools Visitation Report – Secondary Level Credits
Christian Centre Academy
102 Pinehouse Drive
Saskatoon, SK S7K 5H7

Date of Visit: November 17, 2011

Visitor: Crandall Hrynkiw, Regional Director
Kevin Gabel, Director, Independent Schools & Home-based Education

Principal: 29(1)

Purpose of Visit:

- Supervision

Saskatchewan Approved Curricula:

- SAICS curricula needs to align with Ministry of Education outcomes based curriculum. Continue to work with²⁹⁽¹⁾

School Day/Year:

- As per Annual Return - Student Instructional Days 176 and Teacher Attendance Days 189

Teacher Certification:

- 1 – Professional A – B. Ed
- 9 – Prob. B
- 1 - Letter of Eligibility

Locally Developed Courses, Modified Courses, Alternative Education Programs:

- N/A
- IP course/NA
- Bible Courses ✓

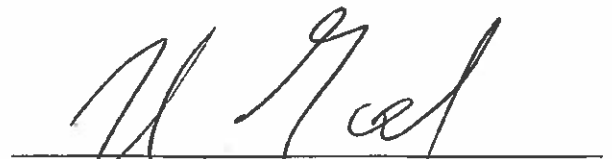
Staff/Student Evaluation:

- Evidence → observed – ongoing records of progress for all subject passes completed.
- All progress tracked electronically CCA Acoelerecords.
- Attendance records are in the same system.

Conclusions/Recommendations:

- Continue work on SAICS curriculum alignment with Ministry of Education outcome based curriculum.
- Keep up the good work!


Crandall Hrynkiw, Regional Director
Central Regional Office


Kevin Gabel, Director
Independent Schools & Home-based Education

THIS IS EXHIBIT "HH" REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-

QUALIFIED INDEPENDENT SCHOOL SUPERVISION REPORT

Christian Centre Academy
102 Pinehouse Drive
Saskatoon, SK S7K 5H7

Date of Visit: January 14, 2013

Supervisor: Kevin Gabel, Director Independent Schools/Home Based Education
Gail Schellenberg, Superintendent Central Region

Principal: 29(1)

AUTHORITY:

The Independent School Regulations require Qualified Independent Schools to follow a specific set of criteria including inspection and supervision.

38.2(1) To be eligible to apply for a certificate of qualification as a qualified independent school, a registered independent school must:

- (i) agree to be supervised and inspected by ministry officials

DEFINITION:

The Independent School Regulations defines inspection and supervision as:

(p) "inspection":

- (i) includes checking compliance with the Act, these regulations and the criteria for registration on an ongoing and collaborative basis with a registered independent school;
- (ii) includes observing any aspect of the educational activities and educational operations in an independent school in order to protect the societal interest of educating the pupils in the school;
- (iii) may include non-directive and unobtrusive supervision of the educational operations of an independent school;
- (iv) includes a recognition of the separate authority of church and state with respect to the operation of independent schools and schools;
- (v) does not include responsibility for the recruitment and dismissal of independent school teachers, or the selection of programs and courses in an independent school; and
- (vi) includes an appreciation and recognition of the distinct philosophical orientation of each independent school.

(z) "supervision" means an ongoing process aimed at improving instruction in an independent school that:

- (i) includes inspection;
- (ii) includes evaluating and enhancing the performance of independent school teachers;
- (iii) includes a recognition of the separate authority of church and state with respect to the operation of independent schools and schools;
- (iv) does not include responsibility for the recruitment and dismissal of independent school teachers, or the selection of programs and courses in independent schools; and
- (v) includes an appreciation and recognition of the distinct philosophical orientation of each independent school.

1. Qualified Independent School Supervision

- Scheduled **Unscheduled**

2. Saskatchewan Approved Curricula

- Grades being taught: K - Grade 12**
- Subject time allocations in compliance with Ministry of Education guidelines**
Please provide a school timetable
Please provide a classroom timetable
- Verification of Saskatchewan Curriculum**
This is to be completed through classroom observations, individual teacher discussions and lesson/unit plans.
- Specific Grade/Subject Curriculum check and verification**
 - Subject: Science Grade: 9
 - Subject: Social Grade: 5/6
 - Subject: ELA Grade: B30

3. Locally Developed Courses, Modified Courses, Alternative Education Programs

- Is the school approved to offer locally developed courses or locally modified courses:**

If Yes, provide list:

Name of course:

Course Expiry Date:

| | |
|-----------------------------------------|-------------------|
| Science 11 | July 31/13 |
| Mathematics 11 | July 31/14 |
| Science 21 | July 31/12 |
| Mathematics 21 | July 31/14 |
| ELA A31 | July 31/14 |
| ELA B31 | July 31/14 |
| History 21 - Canadian Studies | July 31/14 |
| New Testament Survey 10L | July 31/13 |
| Biblical Word Studies 10L | Aug 31/14 |
| Old Testament Survey 20L | July 31/13 |
| New Testament Church History 30L | July 31/13 |
| Life of Christ 30L | July 31/13 |

4. Teacher Certification

| Number of students (+/- 5) | Minimum number of Professional "A" teachers required (Full Time Equivalence) |
|-------------------------------|------------------------------------------------------------------------------------|
| 2-40(45) | 1 |
| 41-80(85) | 2 |
| 81-120(125) | 3 |
| 121-160(165) | 4 |
| 161-200(205) | 5 |
| 201-240(245) | 6 |

- Number of teachers and Certificate numbers (1 Prof "A" per 40 students)
- a. ²⁹⁽¹⁾ Date of Birth
- b. Date of Birth
- c. Date of Birth

5. Teacher Evaluation

- Is there a formal staff evaluation policy?
- Yes – please provide copy.
- Is Professional Development offered to teachers?
- Yes – provide examples:
- Possible spring staff development for all SAICS
 - Fall Educators Convention
 - Ministry STF Workshops
- No – please provide explanation of how teachers stay current with curriculum and educational developments.

6. Student Evaluation

- Student Attendance Records
- Evidence provided of actual student attendance
- School Policy on attendance presented-attached
- Student Assessment Records
- Evidence provided of actual student assessment-attached
- The following items were presented:
- Formal Assessments – i.e. tests
- Informal Assessments – Observations
- Student work – Reports, artwork, class work
- Report Cards
- Other:-please list and explain:
- Provincial Assessments – N/A
- Has school participated?
- If Yes – Which grade/subject?
- Does the School plan to participate in upcoming assessments?
- If Yes – Which grade/subject and date?
- If answer is No to above two questions please provide detailed explanation below:

7. Continuous Improvement and Accountability Framework (CIAF) – N/A

- Continuous Improvement Plan for school developed – copy provided
 - Shared with stakeholders
 - Goals align with practice
 - Have met with ISHBE staff to discuss

Date: _____

8. School Day/Year

- In compliance with *The Education Act*
 - School Year start/finish date August 27, 2012-June 21, 2013
 - Number of days/hours – Student 177, Teacher 193
9:00 – 3:30 – ½ hour lunch – 5.5 hours

Conclusions:

- Teachers are very competent in subject areas viewed
- Students very engaged in small group/pullout learning activities
- The 37 students were observed were focused on learning activities, questioning and interacting with teacher and other staff
- We were unable to observe the rest of the students as they were not involved with the learning activities of the three teachers during our supervision times.
- One Professional “A” teacher per floor
- The three lessons that we observed do not appear to have been part of the regular schedule according to the school timetable presented to us.
- **Still using workbooks for Social (Grades 1-5) – this is in opposition to submissions made stating that Grade 1-5 Social workbooks do not match Sask Curriculum and that it will be taught using provincial resources.**

Recommendations:

- We would have preferred to see regularly scheduled activities and classroom interactions.
- The remaining 42 students will need to be supervised/observed while engaged in learning activities at our next unscheduled supervision of the school.
- Continue to use and expand small group workings with high level of interactions
- **Submit class outlines for grades 1-5 on what is being taught in Social Studies and how since workbooks are not to be used.**

January 14/13
Date

G. S. Schellenberg
Gail Schellenberg, Superintendent
Central Region

K. Gabel

Kevin Gabel, Director, ISHBE

THIS IS EXHIBIT "II" REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-



Empty boxes for Educator ID (for office use only)

Educator ID (for office use only)

Independent Schools - Form C.2.4
Application - Probationary "B" Teaching Certificate
(for applicants who have completed post-secondary education)

1. CERTIFICATE: (Select One)

- 0 Probationary "B" - Initial Application - Enclose \$75.00 application fee (payable to the Minister of Finance) Applicant, complete all sections (1-12)
0 Probationary "B" - Subsequent Applications (Applicant, complete Sections 1-6)

2. SOCIAL INSURANCE NUMBER: 29(1)

3. NAME AT BIRTH: Please Print 29(1)

Surname Given Names (In Full) Date of Birth 29(1) DAY MONTH YEAR

4. NAME CHANGES:

Effective Date Surname Given Names (In Full) DAY MONTH YEAR Effective Date DAY MONTH YEAR

5. CURRENT FULL LEGAL NAME: (if different than Name at Birth)

Surname Given Names (In Full) Effective Date DAY MONTH YEAR

WITH INITIAL APPLICATION: Please enclose a Verified* copy of your Birth certificate and your Social Insurance Number card. If your name has changed, also enclose a verified copy of your Change of Name Certificate, Marriage Certificate or other evidence of legal name change.
*Verified means a photocopy signed by a lawyer, Notary Public, Commissioner of Oaths, Principal or Director of Education who can attest that "this is a true copy of the original document". If you wish to forward original documents, they will be returned to you.

6. MAILING ADDRESS:

29(1) Phone (306) 29(1) SASKATOON, SK Postal Code

7. CONFIDENTIAL DISCLOSURE:

- Have you ever held a teacher's certificate or qualification to teach that has been suspended or cancelled? 0 Yes 0 No
Have you ever been convicted of, or are you presently charged with, any criminal offence of a sexual nature? 0 Yes 0 No
Have you ever been convicted of, or are you presently charged with, any criminal offence involving a minor? 0 Yes 0 No
If you have answered yes to any of the above questions, please attach details.

8. DECLARATION:

I hereby declare that the above information is true, correct and complete to the best of my knowledge. I will provide a Criminal Record Check to the ministry upon request. 29(1)

Signature of applicant Date Oct-1/10

- Continue on Reverse Side -



Independent Schools - Form C.2.4.1 Probationary "B" Teaching Certificate

In accordance with Policy C.2.4 please provide the following information and return with the Probationary B application.

Christian Centre Academy was not able to recruit a qualified
(Name of School)
teacher for this position.

The recruitment process for employing a qualified teacher for this position for this school year was as follows:

OR

The school did not attempt to employ a qualified teacher for this school year for the following reason:

We are a church school, and as such, all employees of our ministry must come from the membership of our local church, and therefore be in agreement with the tenets of our faith. At this time, we have no qualified teachers in our membership who are not already employed either in our academy or at other educational institutions.

29(1)

Director Date Oct. 1/10

DOCUMENT WITH THE PROBATIONARY B APPLICATION FORM TO:
Independent Schools & Home-based Education, Ministry of Education
4th Floor, 2220 College Avenue, Regina SK S4P 4V9

TO BE COMPLETED BY MINISTRY OF EDUCATION - INDEPENDENT SCHOOLS & HOME-BASED EDUCATION.

| | |
|---------------------------------------------------------------------|------|
| Approved by: Director of Independent Schools & Home-based Education | Date |
|---------------------------------------------------------------------|------|

THIS IS EXHIBIT “JJ” REFERRED TO IN
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SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-

LIST OF TEACHERS

School Name: Christian Centre Academy (2010-11)

Teachers by Category:

1. ²⁹⁽¹⁾
 Professional A Probationary B Letter of Eligibility
 Other _____
2. Professional A Probationary B Letter of Eligibility
 Other _____
-
1. ²⁹⁽¹⁾
 Professional A Probationary B Letter of Eligibility
 Other _____
2. Professional A Probationary B Letter of Eligibility
 Other _____
3. Professional A Probationary B Letter of Eligibility
 Other _____
4. Professional A Probationary B Letter of Eligibility
 Other _____
5. Professional A Probationary B Letter of Eligibility
 Other _____
6. Professional A Probationary B Letter of Eligibility
 Other _____
7. Professional A Probationary B Letter of Eligibility
 Other _____
8. Professional A Probationary B Letter of Eligibility
 Other _____
-
1. ²⁹⁽¹⁾
 Professional A Probationary B Letter of Eligibility
 Other _____

THIS IS EXHIBIT "KK" REFERRED TO IN
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2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
~~-BEING A SOLICITOR-~~

August 12, 2013

Dear Qualified Independent School Principal:

With the 2013-14 school year set to begin, I would like to wish you a successful year. Please complete the enclosed forms itemized below and return them to the Programs and Instruction Unit by **September 20, 2013** to be in compliance with the ministry's data collection practices and guidelines. Student information is required to be submitted to the ministry data system no later than **September 17, 2013**.

Ministry staff are working to adapt processes and tools in support of the development of effective accountability relationships with each qualified independent school. Over the next several months, details regarding these processes and tools will be made available and will require consideration in your ongoing planning processes.

1. Annual Return (Form B.1)

- Please review and update each section on the enclosed form. Please be sure to include the most up-to-date e-mail address on the form as information is often sent out through e-mail. The independent school director's signature is required.

2. Annual School Calendar and Daily Hours of Instruction (Form B.2)

- Please fill in all sections of the form, including the number of student and teacher days. Please attach a school calendar.

3. Student Data System (SDS)

- Please review the documents: Appendix A *Student Tracking Protocol* and Appendix B *Information Security and Acceptable Use Policy* available online at www.education.gov.sk.ca/registrarshandbook before accessing the SDS.
- Please access the SDS online. For authorization, please complete the enclosed security authorization form.
- The Ministry uses data collection practices to gather accurate and timely student and personnel information. It is critical that student information be in the SDS no later than September 17, 2013. The Director of Education must sign off on September 30th enrolment counts no later than October 4, 2013.
- For any questions or concerns please related to SDS please contact Student Services at (306) 787-6012. For any questions or concerns regarding financial policy (funding) please contact (306) 787-2793.

...2

4. 2013-14 Electronic Educator Profile (EEP)

- All educators are required to complete an Electronic Educator's Profile each year at www.k12.gov.sk.ca/sdsprod/educatorProfileLogin.jsp . All educators are to complete the EEP by September 13, 2013. Principals are required to complete the school level verification by September 20, 2013. If you have any questions please contact educator.services@gov.sk.ca.

5. List of Teachers

- Please provide a list of teachers employed in your school for the 2013-14 school year on the enclosed form. A teacher's maiden name should be included where applicable. Do not include teacher associates or administrative staff.

6. Educator Separation Form

- When teachers leave the employment of the school, please complete the Educator Separation Form (attached).

7. Psycho-educational Assessments

- If you would like a student assessment completed during the school year, carefully review the attached form (*Independent Schools Referral for Assessment of Students with Intensive Needs*) and contact our office before submitting any requests.

Thank you for your immediate attention in completing these required annual reporting forms.

Sincerely,

Kevin Gabel
Director, Independent Schools and Home-based Education
Programs and Instruction Unit
Student Achievement and Supports Branch

Enclosure

Distribution List

Allegro Montessori School 103

Brilliant Star Montessori School
Legacy Christian Academy – Conditional
Community Learners High School - Conditional
Curtis-Horne Christian School
Discovery Learning, Maple Creek
Discovery Learning, Oxbow
Discovery Learning, Regina
Grace Christian School – Conditional
LifeWay Christian Academy – Conditional
Maria Montessori Elementary School
Montessori School of Regina
Morning Star Christian Academy - Conditional
Mother Teresa Middle School
Prairie Christian Academy – Conditional
Prairie Sky School
Regency Academy – Conditional
Progressive Discover-e
Rock Solid Refuge
Rosthern Christian School
Seventh Day Adventist Christian School

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SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-

| Policy | Guidelines |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>The Registered Independent Schools Regulations</i></p> <p>24 Each registered independent schools shall: (b) submit an annual return, on the form provided by the Minister, within the period required by the Minister.</p> | <p>Each registered independent school must complete an annual return and must submit this to the Ministry of Education by September 15 of that school year.</p> <p>Each annual return must contain the same information required on the school's initial registration and forms. The ministry's practices with respect to confidentiality will apply to all information provided as part of the annual return. The ministry does not identify individual schools or students in its summary statistical information.</p> |

Instructions

Please review the form carefully and ensure to answer all questions.

Each registered independent school is responsible for forwarding its completed annual return to the Programs Branch, Ministry of Education, 409A Park Street, Regina, SK, S4N 5B2 Fax: 306-787-2029 or email – programsed@gov.sk.ca by **September 15.**

School Information

| | |
|-------------------------------------------|-----------------------------------------------------------------|
| School Name | School Number |
| Legacy Christian Academy | 4194403 |
| Mailing Address | Street Address (if different from mailing address) |
| 102 Pinehouse Dr. | |
| Telephone Number | Fax Number |
| 306.242.5086 | 306.242.8229 |
| Year Founded | Email |
| 1982 | 29(1) @legacyacademy.ca |
| Corporate Name of the School Owner | School Operation Name (if different from corporate name) |
| | |

Student Demographics

| | | | |
|--------------------------------------------------|----------------------------------------------------|----------------------------------------------|----------------------------------------------|
| Students Enrolled (check one) | <input checked="" type="checkbox"/> Co-educational | <input type="checkbox"/> Girls only | <input type="checkbox"/> Boys only |
| Student residential facilities | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| Number of Students | Resident Students | Out of province/country students | |
| 167 | 163 | 4 | |
| Grades Taught (check all that apply) | | | |
| Kindergarten <input checked="" type="checkbox"/> | Grade 1 <input checked="" type="checkbox"/> | Grade 2 <input checked="" type="checkbox"/> | Grade 3 <input checked="" type="checkbox"/> |
| Grade 4 <input checked="" type="checkbox"/> | Grade 5 <input checked="" type="checkbox"/> | Grade 6 <input checked="" type="checkbox"/> | Grade 7 <input checked="" type="checkbox"/> |
| Grade 8 <input checked="" type="checkbox"/> | Grade 9 <input checked="" type="checkbox"/> | Grade 10 <input checked="" type="checkbox"/> | Grade 11 <input checked="" type="checkbox"/> |
| Grade 12 <input checked="" type="checkbox"/> | | | |

Tuition Amounts(s)

| | |
|------------------------------------------------------------------|------------------------------------|
| Per Student: \$250-\$350 Monthly plus family discounts | Additional Family Members : |
|------------------------------------------------------------------|------------------------------------|

| School Facility and Security | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------|
| Fire Code Capacity (please provide copy of document) | In Progress | |
| Cumulative Folders on site and securely stored | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| Completed Criminal Record Check for all non-SPTRB staff and volunteers on site and securely stored | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| Registered Independent School Board | | |
| Chair 29(1) | Board Member | Board Member |
| Board Member 29(1) | Board Member | Board Member |
| Board Member 29(1) | Board Member | Board Member |
| Board Member 29(1) | Board Member | Board Member |
| Board Member 29(1) | Board Member | Board Member |
| Board Member 29(1) | Board Member | Board Member |
| Board Member 29(1) | Board Member | Board Member |
| Board Member 29(1) | Board Member | Board Member |
| School Administration | | |
| Independent School Director 29(1) | Independent School Principal (must hold valid teaching certificate) | |
| Director's Phone Number 306.242.5086 | Principal's Phone Number 306.242.5086 | |
| Director's Email 29(1) @legacyacademy.ca | Principal's Email 29(1) @legacyacademy.ca | |
| Supervisor Information | | |
| Name of Local Inspector/Supervisor | Name of Ministry of Education Supervisor Boris Okrainetz | |
| Phone Number/Email | Phone Number/Email 306.787.6075 | |
| Declaration | | |
| <ul style="list-style-type: none"> We affirm that our school facilities continue to meet recognized safety, health and construction standards. 29(1) _____ te and correct. | | |
| Independent School Director | Date Sept 14, 2020 | |

THIS IS EXHIBIT "MM" REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR

Loewen, Delores ED

From: Gabel, Kevin ED
Sent: Tuesday, February 07, 2012 1:14 PM
To: Pellerin, Rosanne ED
Cc: Bast, Frances ED; Thompson, Darlene ED; Loewen, Delores ED
Subject: FW: PCAP 2013 Field Test

Importance: High

Rosanne:

I am sending this email to you because Christian Centre Academy has "declined" to take part in the field test for PCAP. I 17(1)(a), 17(1)(b)(i)

Kevin T Gabel
Director, Independent Schools
and Home-based Education
4th Floor 2220 College Avenue
ph: 787-1843
fax: 798-0457

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From: Belisle, Michelle ED
Sent: Tuesday, February 07, 2012 12:26 PM
To: Holtvogt-Briens, Jolene ED; Gabel, Kevin ED
Subject: RE: PCAP 2013 Field Test

Hi Kevin and Jolene

Good question Jolene. I suggest we pose this question to Kevin Gabel as Director of Independent Schools. I am including him in this reply. Kevin, please see below for details and, if you need more information, contact Jolene directly as she is our PCAP lead.

*Michelle Belisle
Director of Assessment
Student Achievement and Supports Branch / Direction de la réussite et du soutien des élèves
Ministry of Education
#128 - 1021 Albert Street
REGINA, Saskatchewan Canada
(306) 787-2370*

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 Please consider the environment before printing.

From: Holtvogt-Briens, Jolene ED
Sent: Tuesday, February 07, 2012 11:46 AM
To: Belisle, Michelle ED
Subject: FW: PCAP 2013 Field Test

Hi Michelle

If this was a regular school from a regular school division, I know they do not really have a choice in declining.

However, this school (that was chosen from the sampling frame that we provided) is a little different. Question: If they get funding from the Ministry (which I am unaware if they do or not) do they have a choice?

Jolene Holtvogt-Briens
Program Manager of Provincial Assessment Programs
Assessment and Accountability Unit/ Unité de l'évaluation et de la responsabilité
128 - 1621 Albert St
REGINA SK S4P 2S5

Ph 306-787-8029
Fax 306 787 9178
Email: jolene.holtvogt-briens@gov.sk.ca

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From: Academy [<mailto:academy@christiancentre.ca>]
Sent: February 7, 2012 11:40 AM
To: Holtvogt-Briens, Jolene ED
Subject: RE: PCAP 2013 Field Test

Thank you Jolene, but we will gratefully decline this year.

29(1)

Christian Centre Academy

From: Holtvogt-Briens, Jolene ED [<mailto:Jolene.HoltvogtBriens@gov.sk.ca>]
Sent: February 7, 2012 9:56 AM
To: 29(1)
Subject: PCAP 2013 Field Test
Importance: High

Good Morning

The provincial and territorial ministers of education, through the Council of Ministers of Education, Canada (CMEC), have agreed to administer the Pan-Canadian Assessment Program (PCAP), to assess the reading, science, and mathematics knowledge and skills of grade 8 students from across Canada. As you may be aware, the PCAP 2013 field test will take place this spring, and your school has been selected to be part of the Saskatchewan profile.

Please find attached information and paperwork for the schools that have been selected to participate in the PCAP 2013 field test. Normally we would mail you hard copies of these documents; however, to expedite the process and to allow you to provide information electronically, I am attaching these documents to this email. If you would like to have hard copies of these documents mailed to your school, please let us know and we will send them out to you directly.

You will find attached to this email a *Letter to the Principal* outlining the assistance we require regarding the administration of the PCAP 2013 field test and a *SK List of Students* (spreadsheet) that we require you to fill out by **Tuesday, February 14**. A document called *How to Fill in the SK List of Students Form* will hopefully assist you in this task.

Also attached is a *School Information Form* (pdf form) that is due by **Friday, March 2**. This form asks you to provide the name of the appointed School Coordinator and the date that you plan to administer the PCAP 2013 field test. The School Coordinator has a key role in the administration of PCAP 2013 field test, as student engagement is dependent on their good work. Please encourage your school's students to try their very best on the PCAP 2013 field test. Educational leaders often use PCAP and PISA data to introduce educational policy or to modify educational programs, so it is important that we get a quality and valid picture of what Saskatchewan students can really do.

Finally, a sample letter to the parents is included if you wish to use it. All it requires is your signature and a date. A *Handbook for Schools* will be sent to you as soon as CMEC makes it available to me.

Thank you in advance for all the assistance you and your staff and students are providing to help the ministry complete this mandated program.

Warm regards

Jolene Holtvogt-Briens
Program Manager of Provincial Assessment Programs
Assessment and Accountability Unit/ Unité de l'évaluation et de la responsabilité
128 - 1621 Albert St
REGINA SK S4P 2S5

Ph 306-787-8029
Fax 306 787 9178
Email: jolene.holtvogt-briens@gov.sk.ca

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2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-

**MINISTER MEETING WITH REPRESENTATIVES FROM
THE SASKATOON CHRISTIAN CENTRE ACADEMY**

ISSUE: Saskatoon Christian Centre Academy does not currently meet the criteria to be a Qualified Independent School.

CURRENT STATUS:

- Saskatoon Christian Centre Academy is a member of the Saskatchewan Association of Independent Church Schools (SAICS).
- There are 11 SAICS in operation in the province, four of which are associate schools. The remaining seven SAICS do not currently meet the minimum criteria to receive funding as Qualified Independent Schools. These schools include:

| School Name | Location |
|--------------------------------------------|---------------|
| Almond Tree Christian Academy | Canora |
| Saskatoon Christian Centre Academy | Saskatoon |
| Grace Christian School | Saskatoon |
| LifeWay Christian Academy | Saskatoon |
| Prairie Christian Academy | Saskatoon |
| Prince Albert Family Church Academy | Prince Albert |
| Yorkton Faith Ministries Christian Academy | Yorkton |

- Saskatoon Christian Centre Academy does not currently qualify as a Qualified Independent School based on the following criteria:
 - 1) Professional “A” teachers:
 - Christian Centre Academy has the following classification of teachers:
 - 1 Professional “A”
 - 9 Probationary B
 - 1 Letter of Eligibility
 - Teachers without a Professional “A” Certificate do not have the specific training required to meet the provincial curricular and assessment requirements.
 - 2) Saskatchewan Curriculum:
 - Curricula used by SAICS was developed and implemented in the early 1990s.
 - Curricula in all areas of study are being renewed with a focus on clarifying expectations for students, ensuring relevance and consistency for students across grade levels and areas of study and providing ease of access and use for teachers.
 - Since the Fall of 2010 Ministry staff have asked for courses to be renewed with outcomes and indicators rather than objectives in order to strengthen teaching and improve student learning.
 - Ministry staff requested SAICS renew their curriculum documents and resources on several occasions.
 - Curriculum documents and resources requested in letter dated March 9, 2011.
 - Through e-mails and conversations with ²⁹⁽¹⁾ in September 2011.
 - Curriculum documents and resources requested at school inspection visit on November 17, 2011.

BACKGROUND:

- A meeting between Ministry staff and SAICS representatives was held on December 1, 2010. Ministry staff indicated that the curriculum used by SAICS needed to be renewed for the following reasons:
 - The SAICS curriculum had not been modified since the 1990's; and,
 - K-12 provincial curricula have changed from core curricula to outcome and indicators based to improve student achievement for all Saskatchewan students.

- A letter was sent to²⁹⁽¹⁾ , dated March 9, 2011. Key points included:
 - Provincial curricula has changed since the 1990's to outcomes and indicators;
 - The curricula and resources used by SAICS must be reviewed to ensure compatibility with Saskatchewan curricula;
 - This review must begin before the end of the 2010-11 school year; and,
 - SAICS curricula will need to be reviewed every five years to ensure compatibility with Saskatchewan curricula.No curricula documentation was received from SAICS or²⁹⁽¹⁾

- A school inspection visit occurred on November 17, 2011, at Saskatoon Christian Centre Academy with²⁹⁽¹⁾ and the Central Regional Director and the Director of Independent Schools.
 - The Director of Independent Schools requested SAICS curriculum documents and resources.
 - ²⁹⁽¹⁾ stated that they were working on gathering the materials and would contact the Central Regional Director when the documents were ready for pick up.

- Currently Independent Schools employ three classes of teachers. These are:
 - Professional "A" Teacher's Certificate:
 - Individual must hold a Bachelor of Education degree from a university or an equivalent approved degree; or,
 - Holds an approved degree and has completed at least 48 semester hours of approved teacher education, including the *practicum*, at the university or any other approved educational institution.
 - Probationary "B" Certificate:
 - Holds a teacher's certificate from another province or territory of Canada or recognized jurisdiction;
 - Holds a degree from a recognized university or college;
 - Holds a teaching degree from a denominationally-based college;
 - Holds a degree or diploma from a theological seminary, Bible school or Bible training centre;
 - Has taught successfully for the equivalent of five years or more in the Independent School or system of Independent Schools in which the person will be teaching; or,
 - In the opinion of the certificate issuing official, possesses other appropriate qualifications including professional experience, vocational experience or special skills.
 - Letter of Eligibility:
 - There are no minimum qualifications.
 - An individual is able to teach for five years with a Letter of Eligibility and then qualify for a Probationary "B" Certificate.

THIS IS EXHIBIT “OO” REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
~~-BEING A SOLICITOR-~~

Zaba, Kaila ED

From: Gabel, Kevin ED
Sent: Saturday, September 24, 2022 12:08 PM
To: Zaba, Kaila ED
Subject: FW: QIS Principal

Importance: High

Kevin T Gabel
Government of Saskatchewan
Executive Director
Programs, Ministry of Education

409A Park St.
Regina, Canada S4N 5B2
Phone 306-787-1843

Saskatchewan!

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From: Gabel, Kevin ED <kevin.gabel@gov.sk.ca>
Sent: Wednesday, September 9, 2015 11:19 AM
To: 29(1) >
Cc: 29(1) >; Okrainetz,
Boris ED <Boris.Okrainetz@gov.sk.ca>; Grumbly, Anna ED <Anna.Grumbly@gov.sk.ca>
Subject: QIS Principal
Importance: High

Good morning 29(1) :

I just wanted to send you an email to inform you that the principal of your school must be a Professional "A" teacher employed in your school. The principal would only have the authority that you and the board choose to give them. The reason I am pushing this is that the regulations are very clear that the Principal of an independent school must be an independent school teacher. This is stated in Section 2(m) of *The Independent Schools Regulations*. In QIS that means that they would have to hold a Professional "A" teaching certificate.

I understand that it may take a few days to appoint the principal but we need the name of the new principal with the annual return. I understand you may have concerns in regards to this. I can share that 29(1) and I have had a

few discussions in regards to his topic. However, I need to make sure that all the schools are following *The Independent Schools Regulations*. We have been enforcing this rule, as well as all of the other regulations, with all independent schools. Please feel free to contact me if you require any further clarification or have additional questions.

Kevin T Gabel
Executive Director
Programs Branch
7th Floor-2220 College Avenue
ph: (306) 787-1843
fax: (306) 787-5059

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2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-

Zaba, Kaila ED

From: Okrainetz, Boris ED
Sent: Wednesday, December 8, 2021 11:08 AM
To: 29(1) Gabel, Kevin ED; 29(1)
Subject: Re: Sub teacher

Sorry that I did not respond earlier, but you are correct. Also, just to let you know that your principal needs to be full time and in school all the time.

Thanks for asking.

Get [Outlook for iOS](#)

From: 29(1) >
Sent: Wednesday, December 8, 2021 6:46:15 AM
To: 29(1) >
Cc: Okrainetz, Boris ED <Boris.Okrainetz@gov.sk.ca>
Subject: Re: Sub teacher

WARNING: This message originated from a source that is not managed by SaskBuilds and Procurement, Information Technology Division. Do not visit links or open attachments unless you trust the sender's email ID and ensure it is not a spam/phishing email.

Hi 29(1),

Got your message. From my conversations with Boris some time ago, if the two part time Professional A teachers' time in school complement each other you are good to go. For example if Teacher A works from 9-12:30, goes home and Teacher B works from 12:30-3:30 you have fulfilled the teacher/student requirement in that during all times of the day you have two certified teachers. If your two part time teachers are both there in the morning and not at all in the afternoon you are not fulfilling the teacher/student requirement for 50% of the day. That will not work. Is that correct Boris?

On Dec 6, 2021, at 3:39 PM, 29(1) > wrote:

Thank you ²⁹⁽¹⁾ for your continued support and insights.

I am in staff meeting this afternoon and can update you shortly.

KevinGable wanted an update by the end of the week.

Sent from my iPhone

On Dec 6, 2021, at 1:16 PM, 29(1) > wrote:

Hi 29(1),

I spoke to Kevin Gabel earlier today. Clearly, you have a very challenging situation with the demographics your school so admirably serves. Challenging, too, is securing properly certified teachers as per regulations. You have met the student/staff ratio intermittently throughout the fall, although razor thin and hence the issue of securing qualified sub teachers becomes the current challenge. From my understanding, you will have a suitable graduate candidate in the next few weeks. If you were to communicate that, in writing, to Kevin complete with dates, I believe that would put this issue behind you. Can you do that? Copy me if you like.

Take care. Merry Christmas.

29(1)

<LCA.jpg>

102 Pinehouse Drive
Saskatoon, SK S7K 5H7
Phone: 306.242.5086

CONFIDENTIALITY NOTICE: This e-mail and any files transmitted with it are intended for the use of the individual(s) or entity to whom it is addressed. It may contain privileged or confidential information. If you are not the intended recipient, do not distribute or copy it. Please delete from your system and advise me by return e-mail or telephone.

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THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
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-BEING A SOLICITOR-

THIS IS EXHIBIT "RR" REFERRED TO IN
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2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-

29(1)

July 3, 2012

Page 2

I am pleased to inform you that Christian Centre Academy has been **conditionally** approved as a Qualified Independent School pending the review of curriculum documents. The curriculum used in your school was submitted on your behalf by the Saskatchewan Association of Independent Church Schools (SAICS). The ministry requires additional time to ensure compliance with Saskatchewan curriculum. Once this review has been completed your school will be informed of one of the following:

- the conditional designation has been removed and the school will be fully certified as a Qualified Independent School; or,
- the conditional designation will be continued as concerns have been raised regarding the curricula documentation. A detailed list of curriculum concerns that will need to be addressed as well as a timeframe of when these concerns must be addressed will be sent to you.

Christian Centre Academy will receive funding as a Qualified Independent School beginning with the 2012-13 school year. However, additional information is still required. The names and certificate numbers of all Professional "A" teachers at Christian Centre Academy must be received in my office by **August 20, 2012**, for verification purposes. If this information is not received on or before August 20, 2012, funding may be denied.

If you have questions or require clarification regarding your designation please contact Kevin Gabel, Director of Independent Schools and Home-based Education at (306)787-1843 or by email at kevin.gabel@gov.sk.ca. If you have any questions or require clarification regarding funding for your Qualified Independent School please contact Doug Schell, Director, Financial Analysis and Reporting at (306)787-6634 or by email at doug.schell@gov.sk.ca.

Sincerely,



Cheryl Senecal
Deputy Minister of Education

cc: Doug Schell, Director, Financial Analysis and Reporting
Kevin Gabel, Director, Independent Schools and Home-based Education

**CONTENT OF THE 2012-13 APPLICATIONS FOR
FUNDING OF QUALIFIED INDEPENDENT SCHOOL**

Christian Centre Academy - Saskatoon

| | Response | Additional Comments |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Section I - Administrative Information: <ul style="list-style-type: none"> School Information Chairperson Information Contact for Funding Purposes Non-profit Been in operation for 2 consecutive years prior to this application | <ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ | |
| School Facilities <ul style="list-style-type: none"> Checklist completed? | ✓ | Proof Attached |
| Section II - Programming Information: <ul style="list-style-type: none"> # of Professional A teachers Current # of Professional A teachers Proposed for 2012-13 Final list required by Aug 30 | <ul style="list-style-type: none"> 3 - 2.25 FTE 3 | |
| Program Offered : <ul style="list-style-type: none"> List of Resources provided? Curriculum forms sent to school? | ✓ | ACE - Need to align ACE w. Sask Curriculum |
| Operational/Instructional Days: <ul style="list-style-type: none"> 2012-13 School Calendar attached? Number of school days? School starts after Sept 4 and ends June 30? | <ul style="list-style-type: none"> ✓ 9:00 - 3:30 (1/2 hr for lunch) 196 ? | Concern with the # of school days in August - New Student/Teacher July 2 registration Not sure. |
| Student Data <ul style="list-style-type: none"> Current data provided? Estimated 2012-13 Student enrolment data provided? Estimated Cost = # of students X \$5,177 (50% of the provincial per student average) | <ul style="list-style-type: none"> 91 84 84 x 5177 = \$ 434,868 | |
| Financial Statements <ul style="list-style-type: none"> Copy of most recent audited reviewed financial statement included? | ✓ | |
| Date Application Received | ✓ | |
| Original Signed | ✓ | Feb 5/12. |

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2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-

**CONTENT OF THE 2012-13 APPLICATIONS FOR
FUNDING OF QUALIFIED INDEPENDENT SCHOOL**

Christian Centre Academy - Saskatoon

| | Response | Additional Comments |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Section I - Administrative Information: <ul style="list-style-type: none"> • School Information • Chairperson Information • Contact for Funding Purposes • Non-profit • Been in operation for 2 consecutive years prior to this application | <ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ | |
| School Facilities <ul style="list-style-type: none"> • Checklist completed? | ✓ | Proof provided |
| Section II - Programming Information: <ul style="list-style-type: none"> • # of Professional A teachers Current • # of Professional A teachers Proposed for 2012-13 • Final list required by Aug 30 | <ul style="list-style-type: none"> 3 - 2.25 FTE 3 | |
| Program Offered : <ul style="list-style-type: none"> • List of Resources provided? • Curriculum forms sent to school? | ✓ | ACE - Need to align ACE w. Sask Curriculum |
| Operational/Instructional Days: <ul style="list-style-type: none"> • 2012-13 School Calendar attached? • Number of school days? • School starts after Sept 4 and ends June 30? | <ul style="list-style-type: none"> ✓ 9:00-3:30 (1/2 hr for lunch) 196 ? | Concern with the # of school days in August prior to Sept 1st. - New student/teacher day 2 participation Not sure. |
| Student Data <ul style="list-style-type: none"> • Current data provided? • Estimated 2012-13 Student enrolment data provided? • Estimated Cost = # of students X \$5,177 (50% of the provincial per student average) | <ul style="list-style-type: none"> 91 84 84 x 5177 = \$ 434,868 | |
| Financial Statements <ul style="list-style-type: none"> • Copy of most recent audited reviewed financial statement included? | ✓ | |
| Date Application Received | ✓ | |
| Original Signed | ✓ | Feb 5/12. |

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2025.



A COMMISSIONER FOR OATHS IN AND
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-BEING A SOLICITOR-

**BASIC FIRE
INSPECTION REPORT**

SASKATOON FIRE AND PROTECTIVE SERVICES

125 Idylwyld Drive South
Saskatoon, SK S7N 1L4
PHONE 975-2520



| | | | |
|----------------------------------------------------------------------------|------------------------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------|
| Name of Occupant CHRISTIAN CENTRE ACADEMY | Date December 07, 2011 | Inspection Type Fire Prevention Re-inspection | Occupancy Code Group A - Division 2 |
| Address 102 Pinehouse Dr, Saskatoon, SK CA | Phone Number 3062422844 | Fax Number 3062428229 | Building Complex |
| Contact Person Name Home: 29(1) PrePlan Date: 29(1) | Emergency Contact Name: 29(1) Home Phone: 30629(1) | Neighbourhood US4 - Lawson Heights Suburban Centre | |

Next Inspection Date: **November 15, 2012**

Inspection Satisfactory: Yes

| Inspection Items: | Status: | Inspection Items: | Status: |
|----------------------------------------------------------------------------------|------------|-----------------------------------------------------------------------------|------------|
| 1 Building address visible and acceptable (100mm high) | N/A | 17 Automatic fire suppression systems serviced | N/A |
| 2 Fire Department access to building acceptable (lockbox installed) | N/A | 18 Vents/filters clear of grease and lint | N/A |
| 3 Fire Department access to gas shut-off acceptable | N/A | 19 Flammable/combustible material properly stored (pallet storage included) | Acceptable |
| 4 Exterior passageways and exits clear, unobstructed and maintained | N/A | 20 Greasy/oily rags/trade waste removed as required | N/A |
| 5 Means of egress clear and unobstructed | N/A | 21 No electrical hazards present | N/A |
| 6 Exit doors open freely and are equipped with approved hardware | N/A | 22 Compressed gas cylinders properly stored and secured | N/A |
| 7 Exit lights/signs installed and operable | N/A | 23 Propane cylinders stored outside (1.5m from any building opening) | N/A |
| 8 Emergency lighting power inspected, tested and maintained | Acceptable | 24 Fire pipes free of corrosion, creosote and in good repair | N/A |
| 9 Fire separation doors not blocked or wedged open | N/A | 25 Fire drills conducted | N/A |
| 10 Fire separations/closures close, latch and maintained (stairwells etc.) | Acceptable | 26 Fire Department occupancy load calculated and posted | N/A |
| 11 Self-closing devices installed and maintained | Acceptable | 27 Service station complies with supervision procedures | N/A |
| 12 Fire alarm/detection system installed | N/A | 28 Appropriate signage posted (no smoking, no fire shut off) | N/A |
| 13 Fire alarm/detection system inspected, tested and maintained (CAN U.L.C S536) | N/A | 29 No flammable/combustible liquids in monitor wells | N/A |
| 14 Smoke alarms installed as required | N/A | 30 Dispensing equipment in good condition | N/A |
| 15 Building equipped with appropriate portable fire extinguishers | N/A | 31 All used lubricating oils properly stored indoors | N/A |
| 16 Annual inspection of portable fire extinguishers done | N/A | 32 Other | N/A |
| | | 33 Other | N/A |

Unless otherwise specified, it is required that the above conditions shall be remedied in accordance with the requirements of the National Fire Code, The Fire Prevention Act, and the City of Saskatoon Fire Prevention Bylaw.

Comments:

Satisfactory at the time of re-inspection.

Thank you for your cooperation.

This inspection assumes no responsibility for the facility. The owner or his authorized agent shall be responsible for carrying out the provisions of the National Fire Code, The Fire Prevention Act, and the City of Saskatoon Fire Prevention Bylaw. A reinspection of the above premises will occur in 344 days.

| | | | | | |
|------------------------------------------|--------------------------------|-----------------------------|-----------|-------|------------------------|
| Receipt of Report is hereby acknowledged | Inspector ID # 29(1) | Battalion # 29(1) | Station # | Fax # | Signature of Inspector |
|------------------------------------------|--------------------------------|-----------------------------|-----------|-------|------------------------|

HELP US MAKE SASKATOON A FIRE SAFE CITY

Thank you for your cooperation



| | | | |
|------------------------------------------------------|------------------------------------|-------------------------------------------------------|------------------------------------------------|
| Name of Occupant: CHRISTIAN CENTRE ACADEMY | Date: November 15, 2011 | Inspection Type: <i>Fire Prevention Inspection</i> | Occupancy Code: Group A - Division 2 |
| Address: 102 Macboust Dr. Saskatoon, SK CA | Phone Number: 3062422844 | Fax Number: 3062428229 | Building Complex: |

Next Inspection Date: March 30, 2012

| Inspection Items: | Status: | Inspection Items: | Status: |
|-------------------------------------------------------------------------------------------------------------------|---------|-----------------------------------------------------------------|------------|
| 1 Accessibility maintained to at least two sides of building for emergency vehicles | N/A | 22 Indoor storage of aerosol products acceptable | N/A |
| 2 Adequate interior access for fire fighting purposes provided and maintained to all areas | N/A | 23 Outdoor storage of products acceptable | N/A |
| 3 Manual automatic smoke venting systems installed and operational | N/A | 24 Sprinkler heads not obstructed (450mm) | N/A |
| 4 Dangerous goods in labeled containers/packages | N/A | 25 Sprinkler heads properly maintained | N/A |
| 5 Fire Emergency safety plan prepared, posted and up to date | N/A | 26 Fire Department connections properly identified | N/A |
| 6 No smoking signs/TDGR placards posted | N/A | 27 Fire Department connections not obstructed | N/A |
| 7 Storage areas kept free of waste/debris or any spilled product | N/A | 28 Fire Department connection protective caps in place | Acceptable |
| 8 Dangerous goods kept a minimum of 100mm above floor level | N/A | 29 Sprinkler head guards in place (where required) | N/A |
| 9 Dangerous goods separated in conformance with NFC | N/A | 30 Sprinkler system inspected, tested, maintained (yearly) | N/A |
| 10 Dangerous goods stored to ensure stability of storage | N/A | 31 Access to system controls unobstructed | N/A |
| 11 Storage height of dangerous goods does not exceed NFC requirements | N/A | 32 Unsupervised controls locked in open position | N/A |
| 12 Spill control measures provided and maintained | N/A | 33 Unheated sprinkler lines protected from freezing | N/A |
| 13 Wall clearance of at least 400mm maintained | N/A | 34 Fire pumps, hydrants, tanks inspected, tested and maintained | N/A |
| 14 Minimum 1m clearance maintained between storage and ceilings (unsprinklered buildings) and duct/blower systems | N/A | 35 Standpipe systems inspected, tested and maintained | Acceptable |
| 15 Flame/spark devices not used so as to create a fire/explosion hazard | N/A | 36 Fire Emergency systems maintained and inspected | N/A |
| 16 Areas generating flammable vapours/toxic gas provided with adequate ventilation | N/A | 37 Records of all corrective measures retained | N/A |
| 17 Flammable/combustible liquids stored in approved containers | N/A | 38 Elevators tested, inspected and maintained | N/A |
| 18 Containers/tanks of flammable/combustible liquids stored/handled properly | N/A | 39 Smoke control measures inspected, tested and maintained | N/A |
| 19 Compressed gas cylinders properly stored and secured | N/A | 40 Venting to aid fire fighting operable | N/A |
| 20 Class I to IV commodities, Group A, B or C plastics stored properly | N/A | 41 Voice communication system tested | N/A |
| 21 Indoor fire storage acceptable | N/A | 42 Fire Emergency plan posted | N/A |
| | | 43 Floor numbers provided in Stairwell landings | N/A |
| | | 44 Signs indicating that basement stairs do not lead to exit | N/A |
| | | 45 Litter/refuse chutes fusible links installed and operable | N/A |

Unless otherwise specified, it is required that the above conditions shall be remedied in accordance with the requirements of the National Fire Code, The Fire Prevention Act, and the City of Saskatoon Fire Prevention Bylaw.

Comments:

Note: Standpipe system tested on Aug. 22/08 - reminder to have the next service test performed on or before Aug. 22/13.

This inspection assumes no responsibility for the facility. The owner or his authorized agent shall be responsible for carrying out the provisions of the National Fire Code, The Fire Prevention Act and the City of Saskatoon Fire Prevention Bylaw. A reinspection of the above premises will occur in 136 00 days

| | | | | | |
|------------------------------------------|----------------|-------------|-----------|-------|------------------------|
| Receipt of Report is hereby acknowledged | Inspector ID # | Battalion # | Station # | FBA # | Signature of Inspector |
| | 29 | 29 | | | |

HELP US MAKE SASKATOON A FIRE SAFE CITY

Thank you for your cooperation

Fire Prevention

Supplementary Report

SASKATOON FIRE AND PROTECTIVE SERVICES
 125 Idylwyld Drive South
 Saskatoon, SK S7M 1L4
 PHONE 975-2520



| | | |
|------------------------------------------------------|---------------------------------------------------------|------------------------------------------------|
| Name of Occupant: CHRISTIAN CENTRE ACADEMY | Inspection Date: November 15, 2011 | Inspection Type: Fire Prevention Inspection |
| Name of Owner: | Building Address: 102 Pinchouse Dr. Saskatoon, SK CA | Phone Number: 3062422844 |
| Fax Number: 3062426229 | Building Complex (where applicable): | Occupancy Code: Group A - Division 2 |

Next Inspection Date: March 30, 2012

Supplementary Report:

- 8. Relocate the emergency light unit to provide adequate lighting in the service room.
- 10. - Patch up holes with 5/8 fire guard & mud around pipes/wires in the electric room.
- 11. - Cover the unprotected wall with 5/8 fire guard & mud in storage room 106.
- 12. - Adjust both fire separation doors not latching properly by the South entrance.
- 13. - Adjust the self-closing device on the door of the sound equipment room.
- 14. Re-install a self-closing device where missing on door 106.
- 19. Reduce the amount of storage in the sound equipment room under the stairs.

Notes/Comments:

Unless otherwise specified, it is required that the above conditions shall be remedied in accordance with the requirements of the National Fire Code, The Fire Prevention Act and the City of Saskatoon Fire Prevention Bylaw

This inspection assumes no responsibility for the facility. The owner or his authorized agent shall be responsible for carrying out the provisions of the National Fire Code, The Fire Prevention Act, and the City of Saskatoon Fire Prevention Bylaw. A reinspection of the above premises will occur in 136 days

| | | | | | |
|------------------------------------------|--------------------------------|---------------------------|-----------|-------|------------------------|
| Receipt of Report is hereby acknowledged | Inspector ID # 29(1) | Battalion # 29(| Station # | Fax # | Signature of Inspector |
|------------------------------------------|--------------------------------|---------------------------|-----------|-------|------------------------|

HELP US MAKE SASKATOON A FIRE SAFE CITY

Thank you for your cooperation

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SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
~~-BEING A SOLICITOR-~~



Saskatchewan
Ministry of
Education
Independent Schools & Home-based Education

RECEIVED
AUG 20 2012

LIST OF TEACHERS FOR 2012-2013 SCHOOL YEAR

School Name: Christian Centre Academy

Qualified Independent Schools must only hire teachers with a Professional "A" teaching certificate based on a ratio of one full-time equivalent (FTE) teacher for every 40 students or part thereof. There will be a buffer of plus or minus 5 students to this ratio. The following chart shows the minimum number of Professional "A" teachers required, based on the number of students in the school:

| Number of students | Minimum Number of Professional "A" teachers (FTE) required |
|--------------------|------------------------------------------------------------|
| 2-40 | 1 |
| 41-80 | 2 |
| 81-120 | 3 |
| 121-160 | 4 |
| 161-200 | 5 |
| 201-240 | 6 |

| Teacher Name | Category |
|--------------|----------------------------------------------------------------------------------------------------|
| 1. 29(1) | Professional A Certificate #: _____ Please indicate the (FTE) Full-Time Equivalent count: 29(1) |
| 2. ✓ | Professional A Certificate #: _____ Please indicate the (FTE) Full-Time Equivalent count: 29(1) |
| 3. ✓ | Professional A Certificate #: _____ Please indicate the (FTE) Full-Time Equivalent count: 25 |
| 4. | Professional A Certificate #: _____ Please indicate the (FTE) Full-Time Equivalent count: _____ |
| 5. | Professional A Certificate #: _____ Please indicate the (FTE) Full-Time Equivalent count: _____ |

All teachers who hold a Professional "A" Teacher's Certificate are also required to complete an Electronic Educator Profile (EEP) by September 17th, 2012. The EEP is located on the following website: <http://www.education.gov.sk.ca/cep>

Please return this form by August 20, 2012 to:
Independent Schools and Home-based Education
Ministry of Education
3rd Floor, 2220 College Avenue
Regina SK S4P 4V9

064
Leah Fred - d-zaha Aug 2012

THIS IS EXHIBIT "VV" REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
-BEING A SOLICITOR-

QUALIFIED INDEPENDENT SCHOOL SUPERVISION REPORT

Christian Centre Academy
102 Pinehouse Drive
Saskatoon, SK S7K 5H7

Date of Visit: November 1, 2012

**Supervisor: Kevin Gabel, Director Independent Schools/Home Based Education
Gail Schellenberg, Superintendent Central Region**

Principal: 29(1)

AUTHORITY:

The Independent School Regulations require Qualified Independent Schools to follow a specific set of criteria including inspection and supervision.

38.2(1) To be eligible to apply for a certificate of qualification as a qualified independent school, a registered independent school must:

- (i) agree to be supervised and inspected by ministry officials

DEFINITION:

The Independent School Regulations defines inspection and supervision as:

(p) “inspection”:

- (i) includes checking compliance with the Act, these regulations and the criteria for registration on an ongoing and collaborative basis with a registered independent school;
- (ii) includes observing any aspect of the educational activities and educational operations in an independent school in order to protect the societal interest of educating the pupils in the school;
- (iii) may include non-directive and unobtrusive supervision of the educational operations of an independent school;
- (iv) includes a recognition of the separate authority of church and state with respect to the operation of independent schools and schools;
- (v) does not include responsibility for the recruitment and dismissal of independent school teachers, or the selection of programs and courses in an independent school; and
- (vi) includes an appreciation and recognition of the distinct philosophical orientation of each independent school.

(z) “supervision” means an ongoing process aimed at improving instruction in an independent school that:

- (i) includes inspection;
- (ii) includes evaluating and enhancing the performance of independent school teachers;
- (iii) includes a recognition of the separate authority of church and state with respect to the operation of independent schools and schools;
- (iv) does not include responsibility for the recruitment and dismissal of independent school teachers, or the selection of programs and courses in independent schools; and
- (v) includes an appreciation and recognition of the distinct philosophical orientation of each independent school.

1. Qualified Independent School Supervision

- Scheduled Unscheduled

2. Saskatchewan Approved Curricula

- Grades being taught: K – Grade 12

- Subject time allocations in compliance with Ministry of Education guidelines
Please provide a school timetable
Please provide a classroom timetable

- Verification of Saskatchewan Curriculum
This is to be completed through classroom observations, individual teacher discussions and lesson/unit plans.

- Specific Grade/Subject Curriculum check and verification
 - Subject: Science Grade: 9
 - Subject: Social Grade: 5/6
 - Subject: ELA Grade: B30

3. Locally Developed Courses, Modified Courses, Alternative Education Programs

- Is the school approved to offer locally developed courses or locally modified courses:

If Yes, provide list:

| Name of course: | Course Expiry Date: |
|----------------------------------|---------------------|
| Science 11 | July 31/13 |
| Mathematics 11 | July 31/14 |
| Science 21 | July 31/12 |
| Mathematics 21 | July 31/14 |
| ELA A31 | July 31/14 |
| ELA B31 | July 31/14 |
| History 21 – Canadian Studies | July 31/14 |
| New Testament Survey 10L | July 31/13 |
| Biblical Word Studies 10L | Aug 31/14 |
| Old Testament Survey 20L | July 31/13 |
| New Testament Church History 30L | July 31/13 |
| Life of Christ 30L | July 31/13 |

4. Teacher Certification

| | |
|-------------------------------|---------------------------------------------------------|
| Number of students (+/- 5) | Minimum number of Professional “A” teachers required |
|-------------------------------|---------------------------------------------------------|

| | (Full Time Equivalence) |
|--------------|-------------------------|
| 2-40(45) | 1 |
| 41-80(85) | 2 |
| 81-120(125) | 3 |
| 121-160(165) | 4 |
| 161-200(205) | 5 |
| 201-240(245) | 6 |

- Number of teachers and Certificate numbers (1 Prof "A" per 40 students)
29(1)
- Date of Birth**
Date of Birth
Date of Birth

5. Teacher Evaluation

- Is there a formal staff evaluation policy?
 Yes – please provide copy.
- Is Professional Development offered to teachers?
 Yes – provide examples:
- Possible spring staff development for all SAICS
 - Fall Educators Convention
 - Ministry STF Workshops
- No – please provide explanation of how teachers stay current with curriculum and educational developments.

6. Student Evaluation

- Student Attendance Records
 Evidence provided of actual student attendance
 School Policy on attendance presented-attached
- Student Assessment Records
 Evidence provided of actual student assessment-attached
The following items were presented:
- Formal Assessments – i.e. tests
 - Informal Assessments – Observations
 - Student work – Reports, artwork, class work
 - Report Cards
 - Other:-please list and explain:
- Provincial Assessments – N/A
 Has school participated?
 If Yes – Which grade/subject?
 Does the School plan to participate in upcoming assessments?
 If Yes – Which grade/subject and date?
 If answer is No to above two questions please provide detailed explanation below:

7. Continuous Improvement and Accountability Framework (CIAF) – N/A

- Continuous Improvement Plan for school developed – copy provided
 Shared with stakeholders
 Goals align with practice
 Have met with ISHBE staff to discuss Date: _____

8. School Day/Year

- In compliance with *The Education Act*
 - School Year start/finish date **August 27, 2012-June 21, 2013**
 - Number of days/hours – **Student 177, Teacher 193**
9:00 – 3:30 – ½ hour lunch – 5.5 hours

Conclusions:

- Teachers are very competent in subject areas viewed
- Students very engaged in small group/pullout learning activities
- The 37 students were observed were focused on learning activities, questioning and interacting with teacher and other staff
- We were unable to observe the rest of the students as they were not involved with the learning activities of the three teachers during our supervision times.
- One Professional “A” teacher per floor
- The three lessons that we observed do not appear to have been part of the regular schedule according to the school timetable presented to us.

Recommendations:

- We would have preferred to see regularly scheduled activities and classroom interactions.
- The remaining 42 students will need to be supervised/observed while engaged in learning activities at our next unscheduled supervision of the school.
- Continue to use and expand small group workings with high level of interactions

November 1, 2012
Date

Gail Schellenberg, Superintendent
Central Region



November 1, 2012
Date

Kevin Gabel, Director, ISHBE

cc: Kevin Gabel, Director, Independent Schools & Home-based Education

SUPERVISION OF INSTRUCTION FOR QUALIFIED INDEPENDENT SCHOOL

School: Christian Centre Academy

Date: November 1, 2012

Teacher: 29(1)

Grade/Subject: English B30 (Gr 11/ 12)

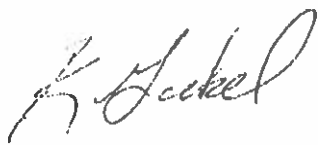
Classroom Observation:

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Classroom Environment</p> <ul style="list-style-type: none"> • Attractive • Well Organized • Displays: <ul style="list-style-type: none"> ➢ learning aids ➢ Students' work • Materials | <ul style="list-style-type: none"> • Computer lab • 16 students (Grade 11 & 12) • Students all had rule books/binders • Overhead projector • Writing posters on wall |
| <p>Classroom Instruction</p> <ul style="list-style-type: none"> • Presentation (type): <ul style="list-style-type: none"> ➢ discussion/lecture ➢ questioning/group work • Presentation (quality) <ul style="list-style-type: none"> ➢ stimulating/ suitable • Control (tone) <ul style="list-style-type: none"> ➢ directions ➢ involvement ➢ individual needs ➢ rules (consistent) ➢ time (usage) • Use of Aids <ul style="list-style-type: none"> ➢ blackboard, charts, A/V • Assignment | <ul style="list-style-type: none"> • Lecture at start • Read story to class • Also on projector screen • Questioning – new words with contextual meaning and clues • Probing questions, explaining • Role playing activity – 4 groups pre determined – 4 social workers, 4 families wanting to adopt. <ul style="list-style-type: none"> ○ Described families first and provided clear directions ○ Each group needs note taker ○ Groups named after directions ○ Projector used as well as handouts and verbal cues. |
| <p>Students</p> <ul style="list-style-type: none"> • Reaction to lesson • Quality of Work • Interaction • Respect • Participation | <ul style="list-style-type: none"> • Quiet and respectful during lesson • Opened up during small group work • Very respectful |
| <p>Teacher</p> <ul style="list-style-type: none"> • Knowledge of subject • Communication skills: <ul style="list-style-type: none"> ➢ oral/ written • Preparation <ul style="list-style-type: none"> ➢ daily/long range • Evaluating students' work • Rapport with students • Special abilities/interest • Extracurricular Activities | <ul style="list-style-type: none"> • Very knowledgeable • Used lesson on social responsibility, but added new vocabulary context clues to it – teachable moments • Good lesson plan – very clear • Excellent rapport with students • Circulating from group to group encouraging, asking questions • Pacing of lesson good – introduction, background, expectations, group work and sharing of group opinions with rest of class • Good use of proximity to reduce student disturbance |

Pre-Conference Held

Post-Conference Held

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Supervisor's Comments:</p> <ul style="list-style-type: none">• Knows students well• Pre assigning of groups mixed boys and girls - Grade 11 and 12's• Did not push students to answer, rather listened and observed. Allowed them to reach their own conclusions• Good pre-questions and connection to The Jungle Book• Clear concise directions | <p>Teacher Comments:</p> <ul style="list-style-type: none">• Have some grown up grade 12s• Little less grown up grade 11s• Will students believe what it is being read?• Hoping someone will question• Very tight knit group• Students generally open up right away |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



Kevin Gabel, Director, ISHBE

29(1) signed original handwritten notes
29(1) _____, Teacher

Gail Schellenberg, Superintendent
Central Region

SUPERVISION OF INSTRUCTION FOR QUALIFIED INDEPENDENT SCHOOL

School: Christian Centre Academy

Date: November 1, 2012

Teacher: 29(1)

Grade/Subject: Grade 8-9 - Science

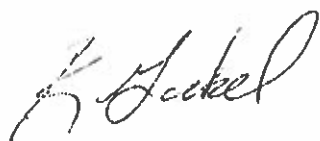
Classroom Observation:

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Classroom Environment</p> <ul style="list-style-type: none"> • Attractive • Well Organized • Displays: <ul style="list-style-type: none"> ➢ learning aids ➢ Students' work • Materials | <ul style="list-style-type: none"> • Small classrooms • Two tables with two groups (one all boys and one all girls) • All materials for lab on side table laid out for use • Each student had textbook – Pearson SK Science 9 |
| <p>Classroom Instruction</p> <ul style="list-style-type: none"> • Presentation (type): <ul style="list-style-type: none"> ➢ discussion/lecture ➢ questioning/group work • Presentation (quality) <ul style="list-style-type: none"> ➢ stimulating/ suitable • Control (tone) <ul style="list-style-type: none"> ➢ directions ➢ involvement ➢ individual needs ➢ rules (consistent) ➢ time (usage) • Use of Aids <ul style="list-style-type: none"> ➢ blackboard, charts, A/V • Assignment | <ul style="list-style-type: none"> • Lab • Small group (4 boys & 3 girls) • Teacher walked around two groups observing and answering questions • Allowed students to experiment and discuss • Reminded groups of procedure – constantly checking for accuracy • Student made electroscopes • Good teacher/student interaction • Good prompting |
| <p>Students</p> <ul style="list-style-type: none"> • Reaction to lesson • Quality of Work • Interaction • Respect • Participation | <ul style="list-style-type: none"> • Eager and excited • Great interaction within group • Full participation • Rechecking procedures • Roles shifting |
| <p>Teacher</p> <ul style="list-style-type: none"> • Knowledge of subject • Communication skills: <ul style="list-style-type: none"> ➢ oral/ written • Preparation <ul style="list-style-type: none"> ➢ daily/long range • Evaluating students' work • Rapport with students • Special abilities/interest • Extracurricular Activities | <ul style="list-style-type: none"> • Very knowledgeable • Great rapport • Very good communication skills • Preparation was very good • Pre-lab and post-lab (over one week) • Love of science/teaching apparent |

Pre-Conference Held

Post-Conference Held

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Supervisor's Comments:</p> <ul style="list-style-type: none"> • Great lesson • Group work appears successful • Group discussions led to deeper understanding and consensus building • Teacher was continually moving between groups observing and assisting as needed • Perhaps assign roles within group • Difference between same sex and mixed groups? Did the group have good outcomes? • How often does group work/lab work occur? | <p>Teacher Comments:</p> <ul style="list-style-type: none"> • Students have made own electrosopes • Students doing lab • Will be doing follow up next week • Watch group interaction boys and girls • Group work occurs as much as possible • Here part time 25% • Wants to do more hands on |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



Kevin Gabel, Director, ISHBE

29(1) signed original handwritten notes
 29(1) , Teacher

Gail Schellenberg, Superintendent
 Central Region

SUPERVISION OF INSTRUCTION FOR QUALIFIED INDEPENDENT SCHOOL

School: Christian Centre Academy

Date: November 1, 2012

Teacher: 29(1)

Grade/Subject: Grade 4-5 – Social –

14 students

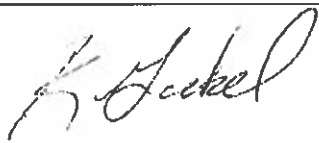
Classroom Observation:

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Classroom Environment</p> <ul style="list-style-type: none"> • Attractive • Well Organized • Displays: <ul style="list-style-type: none"> ➢ learning aids ➢ Students' work • Materials | <ul style="list-style-type: none"> • Students seated around three tables • Student made map on front – physical regions of Canada • Very colourful • Pre-assigned groups (1-4 and 1-5 in each group) |
| <p>Classroom Instruction</p> <ul style="list-style-type: none"> • Presentation (type): <ul style="list-style-type: none"> ➢ discussion/lecture ➢ questioning/group work • Presentation (quality) <ul style="list-style-type: none"> ➢ stimulating/ suitable • Control (tone) <ul style="list-style-type: none"> ➢ directions ➢ involvement ➢ individual needs ➢ rules (consistent) ➢ time (usage) • Use of Aids <ul style="list-style-type: none"> ➢ blackboard, charts, A/V • Assignment | <ul style="list-style-type: none"> • Lecture to small groups • Questioning of whole group • Students raise hand to answer • Students used duotangs with prepared (photocopied) sheets to pick information from • Had to pick out relevant facts in jot note form and put on board next to map at the front of the class • Surprise quiz with ice worm (northern toy) for prizes – follows from questions on northern region • Review of previous lesson • Bible references used to reinforce classroom rules – respect/harmony • Moved to main lesson of characteristics of physical region – jot notes – point form |
| <p>Students</p> <ul style="list-style-type: none"> • Reaction to lesson • Quality of Work • Interaction • Respect • Participation | <ul style="list-style-type: none"> • Excited, all wanting to answer questions • High participation rate 100% • Excited to work in small group |
| <p>Teacher</p> <ul style="list-style-type: none"> • Knowledge of subject • Communication skills: <ul style="list-style-type: none"> ➢ oral/ written • Preparation <ul style="list-style-type: none"> ➢ daily/long range • Evaluating students' work • Rapport with students • Special abilities/interest • Extracurricular Activities | <ul style="list-style-type: none"> • Well prepared for class <ul style="list-style-type: none"> ○ Quiz questions ○ Prizes ○ Some pictures • Very knowledgeable • Good rapport with students |

Pre-Conference Held

Post-Conference Held

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Supervisor's Comments:</p> <ul style="list-style-type: none">• Teacher gave prompts during questioning and ensured all students correctly answered at least one question• Reminded students not to play with ice worms• Students were very engaged in lesson• Group work was done very well• Natural leaders appeared to emerge from each group<ul style="list-style-type: none">○ Perhaps assign roles next time• Good secondary questions• Good review of group skills• More group work would be beneficial | <p>Teacher Comments:</p> <ul style="list-style-type: none">• Grade 5 Canada course• Map driven course<ul style="list-style-type: none">○ Student developed map on board○ Just finished physical• Working in small groups<ul style="list-style-type: none">○ First time ever• Just want general observations• Mixed ability groups<ul style="list-style-type: none">○ Pre assigned or individual abilities• More group work planned for social and science |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



Kevin Gabel, Director, ISHBE

29(1)
29(1)

signed original handwritten notes
, Teacher

Gail Schellenberg, Superintendent
Central Region

cc: Kevin Gabel, Director, Independent Schools & Home-based Education

THIS IS EXHIBIT "WW" REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____
~~-BEING A SOLICITOR-~~

Zaba, Kaila ED

From: Gabel, Kevin ED
Sent: Friday, June 4, 2021 7:28 AM
To: 29(1)
Cc: Okrainetz, Boris ED; Sheldon, Lynne ED; Loewen, Delores ED
Subject: RE: Teacher/student ratio

29(1).

It is not as simple as "good for 40 students". The expectation is you are teaching those students and responsible for their learning. If I was to ask one of the 40 students who their teacher was, they should answer it was 29(1). The 1 to 40 ratio was not put in place as simply a way to assign students. It means the Professional "A" is fully responsible for their learning. While some of that may take place under the guidance of an EA, the EA is under the direct supervision of the Professional "A" teacher.

There is also the supervisory aspect in regards to the Ministry which involves direct supervision while teaching, submission of lesson unit plans and course outlines for all courses the 40 students are taking.

There was recently a case in a independent high schools where a teacher was assigning marks, with a credit attached, to a class of students. It came out that the teacher did not teach those students. A formal complaint was made to the SPTRB and a hearing was held as this is considered fraud. The teacher and principal were both found guilty by the SPTRB.

Give me a call to discuss as I am sure there are some finer points that I am missing here.

Kevin Gabel, M.Ed., B.Ed.
Government of Saskatchewan
Executive Director
Programs Branch, Ministry of Education
409A Park Street
Regina, Canada S4N 5B2
Bus: 306-787-1843
Cell: 306-530-9167

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-----Original Message-----

From: 29(1) @legacyacademy.ca>
Sent: Friday, June 4, 2021 7:14 AM
To: Gabel, Kevin ED <kevin.gabel@gov.sk.ca>
Subject: Re: Teacher/student ratio

Okay, so I am registered with SPTRB as a FTE (admin/teacher) does that mean I am good for 40 students? To this point we haven't because we have so many B Ed's we could, moving forward, register 29(1) with SPTRB as .5 and supervised by Boris giving them credit for 20 students each. Is that correct?

> On Jun 4, 2021, at 7:03 AM, Gabel, Kevin ED <kevin.gabel@gov.sk.ca> wrote:

>
> 29(1):

>
> The ratio is 40 students per every Full-time (FTE) teacher. That means that the teachers are registered by the PSTRB and under the direct supervision of the Ministry, in this case Boris. It also means that there must be the minimum FTE teachers there at all times. The example I give is if you have 80 students and 4 teachers. 1 teacher is full time and three are half time. Due to having 80 students, there must be at least 2 SPTRB teachers teaching at all times.

>
> The main point is that the Professional A teachers must be registered with the SPTRB and under the direct supervision of the Ministry of Education.

>
> Does that make sense?

>
> Kevin Gabel, M.Ed., B.Ed.
> Government of Saskatchewan
> Executive Director
> Programs Branch, Ministry of Education 409A Park Street Regina, Canada
> S4N 5B2
> Bus: 306-787-1843
> Cell: 306-530-9167

>
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>
>
>
> -----Original Message-----

> From: 29(1) @legacyacademy.ca
> Sent: Friday, June 4, 2021 6:58 AM
> To: Okrainetz, Boris ED <Boris.Okrainetz@gov.sk.ca>; Gabel, Kevin ED
> <kevin.gabel@gov.sk.ca>
> Subject: Teacher/student ratio

>
> Good morning, I have a question about teacher/student ratio. My understanding is that the student to teacher ratio is 40 students to 1 certified teacher (B Ed). We have quite a few teachers on staff but not all teach full time. For example 29(1) is .5 and so is 29(1), does that mean they are rated at 20-1? And of course I only teach Financial Literacy 20. How does that factor in? Or is it simply one certified teacher to 40 students regardless of their specific teaching assignment. I've never actually read anything on this.

>
> We are back to in-person learning on Monday. Hopefully we can finish well.

>
> 29(1)

THIS IS EXHIBIT “XX” REFERRED TO IN
THE AFFIDAVIT OF CAITLIN ERICKSON
SWORN THIS 13 DAY OF MARCH,
2025.



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF SASKATCHEWAN
MY COMMISSION EXPIRES: _____

~~-BEING A SOLICITOR-~~

Zaba, Kaila ED

From: Gabel, Kevin ED
Sent: Monday, June 20, 2022 9:32 AM
To: Balaski, Chelsey ED
Subject: Re: FYI - Funding Concerns on Social Media

Were you able to view the entire video and article?

Kevin T Gabel
Government of Saskatchewan
Executive Director
Programs, Ministry of Education
409A Park St.
Regina, Canada S4N 5B2
Phone 306-787-1843



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From: Balaski, Chelsey ED <chelsey.balaski@gov.sk.ca>
Sent: Monday, June 20, 2022 9:30:36 AM
To: Craswell, Gerry ED <Gerry.Craswell@gov.sk.ca>; Graw, Mitchell ED <mitchell.graw@gov.sk.ca>; Jensen, Rory ED <rory.jensen@gov.sk.ca>; Johnson, Donna ED <donna.johnson@gov.sk.ca>; Lombard, Drew EC <drew.lombard@gov.sk.ca>; Nedelcov-Anderson, Susan ED <susan.nedelcovanderson@gov.sk.ca>; Wilson, Sean ED <sean.wilson@gov.sk.ca>
Cc: Gabel, Kevin ED <kevin.gabel@gov.sk.ca>; Ali, Stephanie ED <stephanie.ali@gov.sk.ca>; Bellamy, Sherry ED <Sherry.Bellamy@gov.sk.ca>; Elschuk, Kim ED <kim.elaschuk@gov.sk.ca>; Semchuk, Rosann ED <rosann.semchuk@gov.sk.ca>
Subject: RE: FYI - Funding Concerns on Social Media
FYI Tammy Robert has shared an article online called: *Faith Healing and Discrimination Has Been Greenlit in Saskatchewan K-12 Schools. For Years.* The article includes a video of a PA Revival Centre in 2016 sharing anti LGBTQ+ rhetoric.
<https://tammyrobert.substack.com/p/faith-healing-and-discrimination>



Chelsey Balaski (she/her)

Government of Saskatchewan

Senior Media Relations Consultant

Communications and Sector Relations

Tel: 306-787-1414

Cell: 306-527-7273

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From: Balaski, Chelsey ED

Sent: Monday, June 20, 2022 8:45 AM

To: Craswell, Gerry ED (Gerry.Craswell@gov.sk.ca) <Gerry.Craswell@gov.sk.ca>; Graw, Mitchell ED (mitchell.graw@gov.sk.ca) <mitchell.graw@gov.sk.ca>; Jensen, Rory ED (rory.jensen@gov.sk.ca)

<rory.jensen@gov.sk.ca>; Johnson, Donna ED (donna.johnson@gov.sk.ca) <donna.johnson@gov.sk.ca>; Lombard, Drew EC <drew.lombard@gov.sk.ca>; Nedelcov-Anderson, Susan ED (susan.nedelcovanderson@gov.sk.ca) <susan.nedelcovanderson@gov.sk.ca>; Wilson, Sean ED (sean.wilson@gov.sk.ca) <sean.wilson@gov.sk.ca>
Cc: Gabel, Kevin ED <kevin.gabel@gov.sk.ca>; Ali, Stephanie ED (stephanie.ali@gov.sk.ca) <stephanie.ali@gov.sk.ca>; Bellamy, Sherry ED (Sherry.Bellamy@gov.sk.ca) <Sherry.Bellamy@gov.sk.ca>; Elaschuk, Kim ED <kim.elaschuk@gov.sk.ca>; Semchuk, Rosann ED (rosann.semchuk@gov.sk.ca) <rosann.semchuk@gov.sk.ca>

Subject: FYI - Funding Concerns on Social Media

Good morning everyone,

Here's some further info on the social media that took place over the weekend:

On June 18, Tammy Roberts shared on Twitter that government is "...funding a K-12 school ran by a church that that says right in their online policies that they will discipline members for 'homosexuality'"

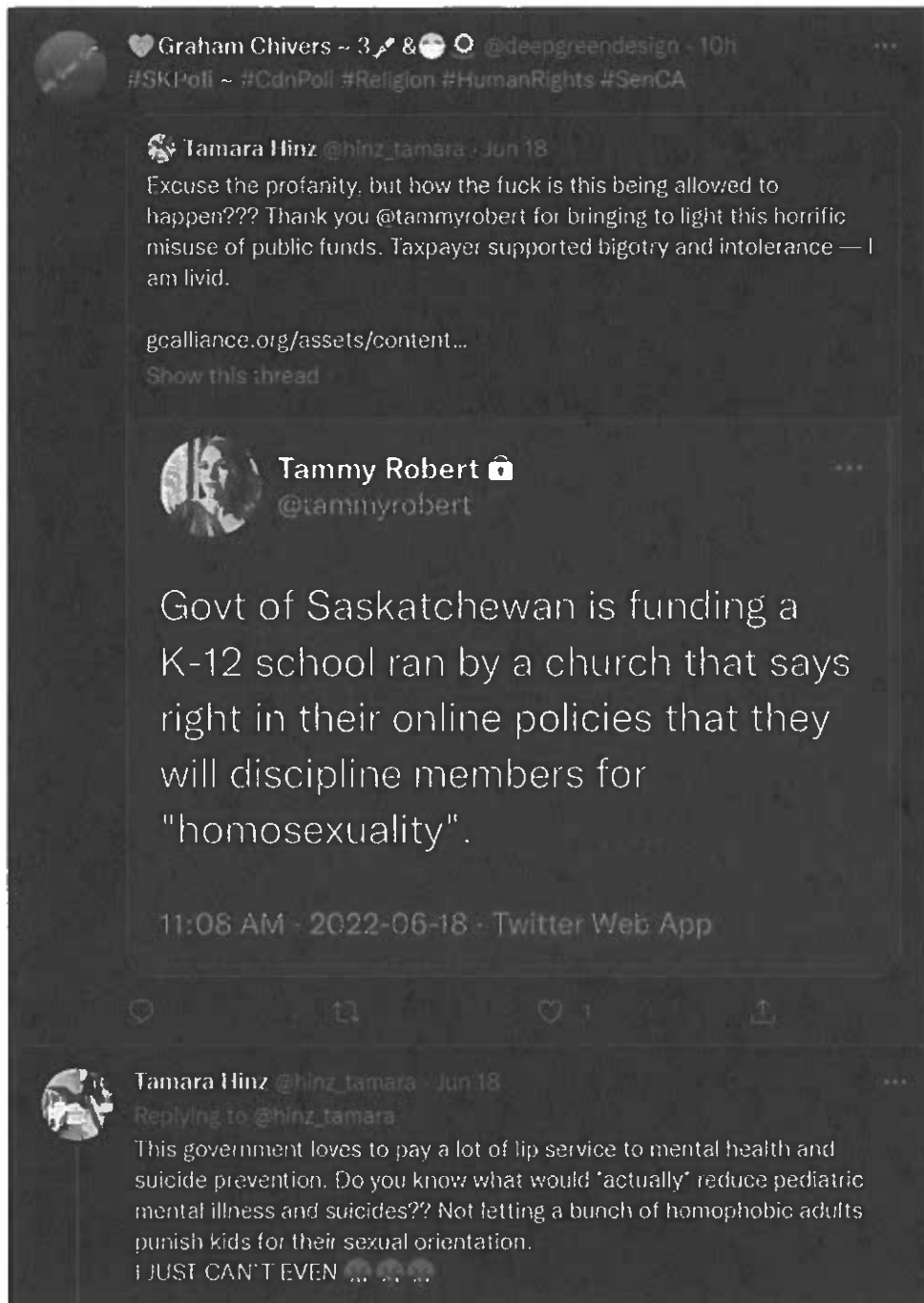
Following this, Tamara Hinz wrote an open letter to Minister Duncan that was being shared on Twitter and TikTok, asking how we can fund such schools that promote hate.

@saskcate on Tik Tok then shared a video that has 1,358 likes and 79 comments about Tamara's letter. The video says:

- Why is government funding going towards school that continue outdated and harmful rhetoric against people in the LGBTQ+ community.
- Before you say it's a private school and they can go somewhere else, generally students do not get to choose (she hints that parents decide).
- This type of rhetoric is against the Human Rights Code of Canada.
- The school Tamara mentioned in her letter is Westgate Heights Academy but this is one of many schools in Saskatchewan that tax payer funds are going to that share these same values.
 - Like Christian Centre Academy in Saskatoon (now called Legacy Academy). They actively have tried to send students to conversion therapy.
 - Prairie Christian Academy run by the Faith Alive Church in Saskatoon.
 - Grace Christian Academy also in Saskatoon. 29(1)
- As the public, if this concerns you, reach out to your MLAs and let them know it is not okay for taxpayers in the province to fund schools like this that violate the Human Rights Code.

Please note we have not seen the letter come through Referrals ED yet so it must be in the Minister's inbox but I have attached two photos of the letter from Tik Tok.

https://twitter.com/deepgreendesign/status/1538712698028015616?s=20&t=RpRdKuKgP_smW4hFWed5Q



Chelsey Balaski (she/her)

Government of Saskatchewan | Gouvernement de la Saskatchewan

Senior Media Relations Consultant | Conseillère principale, Relation avec les médias

Communications and Sector Relations, Ministry of Education | Communications et relations avec le secteur, ministère de l'Éducation

5th Floor, 2220 College Avenue | 5ième étage, 2220 avenue College

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Cell: 306-527-7273



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