



Manitoba Association of Christian Home Schools

April 14th, 2019

Manitoba Association of Christian Home Schools Submission Paper Input to Manitoba Commission on Kindergarten to Grade 12 Education

The Manitoba Association of Christian Home Schools (MACHS) represents well over 1,000 home educating families across Manitoba and would respectfully submit this home education policy paper to the Manitoba Commission on Kindergarten to Grade 12 Education Review. Our primary goal in submitting this paper is to advance and protect the freedom of parents in Manitoba to choose and direct the education of their children.

Manitoba Association of Christian Home Schools Positions on K-12 Home Education Issues

This briefing paper has been developed by the Manitoba Association of Christian Home Schools (MACHS) Board of Directors to guide discussion and input to the Manitoba Commission on Kindergarten to Grade 12 review and ultimately input to the Hon. Kelvin Goertzen, Minister of Education and the Government of the Province of Manitoba. It is important to note the significant reality that home education has always been a legally recognized education option since the inception of Manitoba as a province in 1870. We greatly appreciate this fact, as this was not the case in many other parts of Canada and North America. The objective of MACHS is simply to ensure the continued ability of Manitoba parents to freely choose and direct the education of their children in accordance with their beliefs and values.

There has been significant research conducted on home education as an education alternative and its impacts and performance. The research clearly concludes that the academic performance of home educated students is significantly superior to the public school average. In addition, research also shows the superior social development of home educated students.

Home education is growing as an educational choice by parents in Manitoba, across Canada, and around the world. In Manitoba, the most recent statistics indicate that 1.8% of Manitoba school-aged children are being home educated. Around the world, there are over 3.5 million children being home educated (source Global Home Education Exchange Council – www.ghex.world).

Several studies that provide demographic and other background from a Canadian perspective can be accessed at the following links:

<https://www.fraserinstitute.org/sites/default/files/home-schooling-in-canada-2015-rev2.pdf>

<https://cche.ca/wp-content/uploads/2018/07/SummaryFinal.pdf?target=blank>

Information from a global perspective https://www.jstor.org/stable/1493097?seq=1#page_scan_tab_contents

Although we have limited our comments to the area of home education, as this is our mandate, we believe that the

principle of parental involvement and responsibility in education is not limited to only when parents exercise the choice to home educate; we believe that parents, ideally, should always be involved, and engaged in the education of their children. When engagement is neglected issues arise. We believe that many of our social issues across society can, undoubtedly, be traced back to a breakdown of the responsibility of parents and resulting non-engagement in their children's lives. We recognize the complicated and deep issues that flow from this and the challenges this presents for Manitoba's public education system.

MACHS Priorities for Action - The following priorities outline the position of MACHS on behalf of home school families in Manitoba. Consistently, since 1983, MACHS has represented these priorities before every Minister of Education.

Recognition of Parents' Right to Choose and Direct the Education of their Children - The protection and recognition of home school freedoms and rights continues to be the foremost priority of MACHS. This had been under regular and constant attack by the previous government, going back to 2000 when Bill 12 was introduced to try to require registration, with approval required, and more. MACHS believes international treaties and conventions clearly hold that parents are the best positioned to fully control and direct the education of children and should be fully responsible. This ability to choose and direct education is clearly recognized internationally as a basic human right and must be protected and not compromised.

We reference 2 summary documents that provide an overview of international law and conventions.

Berlin Declaration – <https://ghex.world/wp-content/uploads/2018/05/Berlin-Declaration-English.pdf>

Rio Principles - <https://ghex.world/advocacy/declarations/rio-principles/>

Home Education as a Human Right

<https://www.tandfonline.com/doi/abs/10.1080/15582159.2016.1202069?journalCode=wjsc20>

Reasonable, Clear and Non-intrusive Regulations and Policies – MACHS recognizes that with a right comes a responsibility. The responsibility of parents to home educate their children is very significant; this responsibility is felt daily by these parents who provide all the teaching and resources for curriculum. In most cases, the parents are single-income families, due to the commitment and work involved in home education.

MACHS also recognizes the political reality whereby other parties involved in education, such as teachers unions and school boards, see home education as a combination of economic threat (schools do not receive the provincial education grant for these students) and a professional affront (the professional teachers question parents' ability to teach their own children). The reality is that parents choose home education to provide the very best education possible for their children, not simply to provide an equivalent education at home. They strive for excellence and mastery in all they do and deliver a "concierge" personalized education (custom, designed to fit the individual needs and delights of each child). We do not say this to criticize other education options, but rather to simply state the unique and special opportunity that home education families embrace and build their lives around. In practical terms, home education saves the provincial treasury in education funding to public or private schools; at the same time, provides an education that has been shown through research around the world as clearly reasonable and dependable in producing more than the average of productive and valuable leaders in society.

Parents need to know that they can freely continue to choose and direct the education of their children with minimal and non-intrusive regulations. These regulations must be clear to avoid conflicts with regulators and interest groups, such as the teachers' unions and school boards. MACHS believes and requests that any regulations must be clear, simple, and non-intrusive; officials often attempt to add additional requirements such as home visits and requests for unnecessary information (beyond the requirements, under the "Public Schools Act"). We feel that present regulations are reasonable and achieve the goals intended. The only exception is the need for a clear means of dealing with cases of concern or conflict (including an investigation and appeal process). There are good examples of this in other jurisdictions such as Saskatchewan).

There is clear evidence from research that more regulation of home education does not result in improved outcomes.

Some research can be found at the following links:

Research paper by Dr. Brian Ray of the National Home Education Research Institute (www.nheri.org) on "State

Regulation of Homeschooling and Homeschoolers' SAT Scores"

<https://scholars.fhsu.edu/cgi/viewcontent.cgi?article=1220&context=alj> He writes, "The simple fact is, that no significant statistical relationships were found between the degree of state regulation of homeschooling and students' SAT verbal, math, and total scores".

Australian study on regulatory impacts <https://eric.ed.gov/?q=EJ1138306&id=EJ1138306>

Consistency of Provincial Regulation (both in communication and in administration) – Home education occurs in over one thousand homes across Manitoba. We appreciate and value the consistency in dealing with Manitoba Education and Training directly, as MACHS would be very concerned that inconsistencies could easily occur if the responsibility for regulation and co-ordination of home education were in the realm of local school authorities. We recognize that the various agencies and authorities involved in public education in Manitoba (i.e. School divisions, Manitoba Teachers Society, School Board Trustees) have a vested interest (e.g., financial and philosophical) in having as many students attend the public system as possible. Therefore, we feel it of crucial importance to keep the administration of home education and any regulation, out of the hands of these agencies. The most logical means of accomplishing this is to maintain a system, whereby the responsibility remains on provincial basis with Manitoba Education and Training.

Recognition of Home Education Programs – As home education is a legally recognized and legitimate education alternative in Manitoba, the equitable recognition of home education programs is important. The inequity whereby home educated graduates are discriminated against is wrong. Many options and solutions need to be discussed. The goal should be to allow for smooth entrance to the secondary and/or post-secondary education systems including apprenticeship, as well as employment options. Presently, Manitoba parents that home educate complete and submit educational plans and periodic progress reports as required by law. These, according to this law, provide evidence that the instruction is of an acceptable standard (termed "equivalent" to the public system). We have found repeatedly that the outcomes in the home educated students' academic and social performance is more than equivalent. Research (Canadian, USA, and around the world) has clearly shown that the performance of home educated students is not of concern.

We would ask that the reality of an education at home be recognized and communicated by MB Education and Training. We would support a process whereby Manitoba Education and Training could recognize the facts that a student was home educated (indicating a time period) and that the requirements of MB law were met (notification and periodic reporting) and would simply state these facts, if requested. In our view, anything further would be a value judgement or inappropriate assessment outside the mandate of Manitoba Education and Training. Any further documentation (such as development of transcripts and portfolios) should be the responsibility of home educating families. We have found that these, when prepared and presented, are providing the needed documentation for entrance to post-secondary education. Research Summary link providing information on home education studies <https://hslida.org/content/docs/nche/000010/200410250.asp>

Access to Non-academic Services and Special Needs – Home educating families, as citizens of Manitoba, who are exercising the legal and valid choice of home education, may have need for non-academic services. These services in many cases, are delivered through or in conjunction with the public school. Although many of these are not strictly "academic or educational services" (such as speech therapy, vision and hearing screening, occupational and development therapy services, or other types of special services delivered by government). MACHS would argue that these are not educational services, and thus should be freely accessible to home school families as citizens of Manitoba. These important and needed services are challenging or impossible for home education families to access without being enrolled in the public school system. We would request that this inequity and lack of access be addressed.

Funding of Home Education - From its inception, MACHS has taken a position opposing any direct funding of home education programs. We have done this for several reasons. First, we feel strongly that the responsibility for education rests with parents, and this includes the funding of education. We also recognize that any funding would eventually come with "strings attached", be that immediate or at some future time. These strings, in our view, would serve to

undermine the freedom of parents to choose and direct education programs. We point out the very significant cost savings to the provincial treasury as a result of parents bearing the full cost of education. In Manitoba, in 2018/19, this is estimated to be saving the province at least \$22 million dollars (based on 3,708 home educated students at a per public student grant of approximately \$6,000). In today's fiscal climate, we know that any consideration of funding home education would come under immediate and major criticism from various education agencies (considering the pressures that are faced regularly in funding of private or public schools).

According to a 2015 study by the Fraser Institute "Homeschooling in Canada", "in 2011/12 home-schooling families saved Canadians \$256.4 Million". The reality is that home educating families in Manitoba take responsibility for their children's education including the financial responsibility. As home education continues to grow, the impact and savings to the provincial treasury will also increase.

For the full Fraser Institute Study, See

<https://www.fraserinstitute.org/sites/default/files/home-schooling-in-canada-2015-rev2.pdf>

Recommendations and the Focus for the Future: MACHS appreciates Manitoba's long-standing recognition of Home Education as a valid and legitimate education alternative (since the inception of Manitoba as a province). MACHS, on behalf of home education families in Manitoba, requests the freedom presently enjoyed and valued in Manitoba to choose and direct the education of their children simply be continued. MACHS would ask that the government of Manitoba make changes to the Public Schools Act (in preamble to these Acts) that would clearly recognize "that parents have the prior right to choose the kind of education that shall be given to their children, including home education". And further, that the Act requires that there "be respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions".

We would be pleased to address any question or clarify any items raised.

Please feel free to contact us.

Sincerely submitted on behalf of the Board of Directors of MACHS

Addendum #1 (Additional information and Background)

Present Legal Legislative Situation in Manitoba: Home education is provided as a legitimate and legal option for parents in Manitoba under the provisions of the Manitoba “Public Schools Act”. The Public Schools Act reads as follows:

*260.1(1) The parent or guardian of a child who is a pupil in a home school shall, in a form approved by the minister, **notify** the minister of the establishment of the home school.*

When notification to take place

260.1(2) The parent or guardian shall, in a form approved by the minister, notify the minister about the home school when it is first established and on or before September 1 in each year.

Information to be provided to minister

260.1(3) Within 30 days after a home school is first established and on or before September 1 in each year, the parent or guardian shall provide the minister with the following information:

- (a) the name and birth date of each pupil in the school;*
- (b) the name of the school or school division each pupil would otherwise attend; and*
- (c) an outline of the education program and grade level for each pupil.*

Periodic progress reports

260.1(4) The parent or guardian shall provide the minister with periodic progress reports on each pupil in the home school. The reports must contain the information and be provided according to a schedule determined by the minister.

262 No person is guilty of an offence under subsection 260(2) for failing or refusing to ensure that his or her child attends school if (b) the field representative certifies that in his opinion the child is currently receiving a standard of education at home or elsewhere equivalent to that provided in a public school.

Much of the wording in this version of the Public Schools Act was passed in 2000 by the then NDP government through Bill 12 “The Public Schools Amendments Act”. MACHS objected strenuously to the Bill. With the help of the then Conservative Opposition, the Bill was amended before passing with the change of one word. That change was in 260 (1 and 2) where the word “registered” was changed to the word “notified”. Although only one word, it is significant. In the view of MACHS and HSLDA, “registration” carries a significant element of “approval by the department of education” or even “requesting permission to home educate”. Notification on the other hand is simply a process of informing the Minister of parents’ intent to home educate, with no permission required and action only needed if there is reasonable and compelling evidence that the education delivered is not academically appropriate for the children.

The issue has come up often where officials in Manitoba Education (Home School Liaison officers), that MACHS feels, have gone significantly beyond the Public Schools Act and communicate the following to parents. Parents have been told...

1. ... That they need to talk to MB Education officials (Home School Liaison officers) in order to be granted permission to home educate. *We note that “permission” is not required and in our experience this is not understood or reflected by MB Education. The requirement to talk to education officials is clearly beyond the requirements of The Public Schools Act and seen as a clear intrusion.*
2. ... That they must allow home visits by MB Education officials (Home School Liaison officers) in order for MB Education to provide ongoing permission for home education. *We note that there is clearly no requirement for home visits and these are very intrusive and heavy handed, particularly without specific individual justification.*
3. ... That they need to provide additional information on educational outcomes and the additional information requested is indicated as “required” by MB Education officials to notifications (Home School Liaison officers)
4. ... That there are specific mandatory curriculum requirements such as Science and Social studies in each of the senior years. *We note that, although there is an “equivalency” requirement under The Public Schools Act 262(b), this does not mean that the exact scope and sequence must match the public school system.*
5. ... That notifications and progress reports, if not completed in full detail, will result in “non-recognition” of a home education program, and MB Education officials will not be able provide a letter to post-secondary institutions on behalf of the student to support admission. *We note these letters were not only poorly written but clearly misrepresent reality. If a parent has fully complied with the requirements of the Public Schools Act in providing an “equivalent education”, the letter should say that and provide clarity. These letters were unclear in message, and they are actually causing confusion for home education graduates and post-secondary institutions where homeschoolers are seeking entrance.*

Addendum #2 Regulatory examples of other Jurisdictions –

We would point to the strong and successful examples of non-intrusive legal frameworks in other jurisdictions. MACHS would ask the Minister to follow the examples of the Province of British Columbia in Canada and of the United Kingdom, where the legal requirements are both non-intrusive and clear. In both cases, a simple notification is the only requirement. In our view, anything further becomes a bureaucratic “make work” and position justification project.

In the first example, (in the province of British Columbia), parents choosing to home educate can do so by notifying the school board of their intent, preferably before September 30. The Schools Act in BC requires parents to provide children with an "educational program". An "educational program" means “an organized set of learning activities that, in the opinion of ...the parent, in the case of [homeschooling] is designed to enable learners to develop their individual potential and to acquire the knowledge, skills, and attitudes needed to contribute to a healthy society and a prosperous and sustainable economy". It should be noted that, in BC, it is the parent's responsibility to determine what works best as an educational program in the home education setting. In practice, a wide variety of approaches have been found to work, from quite structured to entirely child-directed. They are not required to explain or describe their program to anyone. There is a provision in the act (Section 14) for people to report to the superintendent of schools if they feel a child is not receiving an educational program at all, e.g. forced to work instead. The Superintendent is then obliged to investigate.

In the case of the United Kingdom, under UK law: “Required is efficient full-time education, suitable to his age, ability and aptitude and to any special education needs he may have, either by regular attendance at school or otherwise.” Under the "or otherwise" phrase in the law, families can legally homeschool. There are no requirements to inform the authorities when one is home educating, unless the student was previously enrolled in the government school system. At that time, the parent must let the school official know they are withdrawing their student to home educate him. No other requirements for home education exist in UK law where home education is happening with great success.”

Addendum #3 – Manitoba Association of Christian Home Schools (MACHS)

Website - www.machs.ca

Manitoba Association of Christian Home Schools
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MACHS Contacts: President: Dr. Ian Mogilevsky; Legislative Liaison: Gerald Huebner

MACHS is a not-for-profit incorporated organization and has been active in Manitoba since 1983.

MACHS represents over 1,000 families across Manitoba and organizes training and encouragements such as its annual MACHS conference in Winnipeg (attendance in March 2019 was over 1,300).

MACHS Purposes: MACHS serves Home Educating families across Manitoba by:

- a) Ensuring representation of, and advocacy for, home education rights to government and education agencies: home education rights and freedoms must be respectfully defended.
- b) Organizing and developing support groups of home educating families across Manitoba.
- c) Supporting and developing home education leadership by providing practical support for home education leaders and families.
- d) Organizing and providing provincial conferences, resources and training for home educating families.
- e) Developing and maintaining lines of communication with home educating families through speaking across Manitoba, a newsletter, social media, and website (www.machs.ca).
- f) Developing and maintaining supportive affiliations with provincial and national home education organizations such as the Canadian Centre for Home Education (www.cche.ca) and the Home School Legal Defense Association of Canada (www.hslda.ca) as well as organizations in USA and globally such as the Global Home Education Exchange Council (www.ghex.world)

MACHS Educational Philosophy and Policy Statement: These principles form the basis for the directions and actions of MACHS in representing Manitoba home school families.

- i) The Association affirms God has mandated the primacy of parental responsibility for the welfare, education, and socialization of their children as referenced in Deuteronomy 6:6-7. God has also instituted human government to reward those who do right and punish those who do wrong; God sets up one and puts down another as serves His purposes. We are grateful that Government currently recognizes this God-given prior right of parents, as described in Section 26.3 of the United Nations Universal Declaration of Human Rights of December 10, 1948, that *“parents have the prior right to choose the kind of education that shall be given to their children”*. Should that support be withdrawn, we still hold that the God-given authority to parents includes home education. Further, the International Covenant on Civil and Political Rights provides in Article 18, paragraph 4 *“the States Parties to the present Covenant to undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions”*.
- ii) The Association is dedicated to the education and socialization of children in the natural setting of the family.
- iii) The Association holds that the right to home education includes not merely a right over the place in which education occurs, but a right to determine the very content, process, and timing of this education.
- iv) The Association acknowledges that the state may have a legislated interest in the education of the young, but asserts that such interest is: a) Secondary to the primacy of responsibility of parents over education, and b) Strictly limited to those skills and that knowledge which are demonstrably necessary to the formation of functional citizenship in a free and democratic society. The Association will work to limit intrusion of government and use legitimate means to limit the legislative powers of government to regulate home education in Manitoba.
- v) The Association affirms all matters of social, religious, ideological, political, cultural and economic nature to be one’s personal options and, therefore, outside the compelling interest of the state.
- vi) The Association holds that student assessment is an integral part of the education process and that parents have the sole right and responsibility to determine the methods and instruments to be used.
- vii) The Association holds that its mandate is to ensure that the government’s interest in home education is exercised in the least intrusive means.
- viii) The Association pursues and recommends, within the framework of its philosophy, a policy of constructive interaction in dealing with those legally charged with the administration of home education in Manitoba.
- ix) The Association holds that education is a parental responsibility; in that parents should assume all responsibility for educating their children, including the complete funding of their education programs. We hold that, where direct government funding of home education would undermine this responsibility, we would oppose this funding.