

# *The Independent Schools Regulations*

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Chapter E-0.1 Reg 11 (consult the Table of Saskatchewan Regulations for effective date) as amended by Saskatchewan Regulations [78/2003](#) and [49/2012](#); and by the *Statutes of Saskatchewan*, 2000, c.50.

## **NOTE:**

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

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## CHAPTER E-0.1 REG 11

### *The Education Act*

#### PART I

#### **Title and Interpretation**

##### **Title**

- 1 These regulations may be cited as *The Independent Schools Regulations*.
- 2 In these regulations:
  - (a) **“accredited independent school”** means an independent school that holds a valid and subsisting certificate of accreditation that is issued pursuant to section 31 or 33 and that is not under suspension;
  - (b) **“accredited teacher”** means an independent school teacher who holds a valid and subsisting certificate of accreditation that is issued pursuant to section 14 and that is not under suspension;
  - (c) **“Act”** means *The Education Act*;
  - (d) **“alternative independent school”** means an accredited independent school that has a valid and subsisting certificate of accreditation that is issued pursuant to section 33 and that is not under suspension;
  - (e) **“approved”** means approved by the minister;
  - (f) **“associate school”** means an independent school that has a subsisting agreement with a board of education to operate in association with that board;
  - (g) **“certificate issuing official”** means the certificate issuing official as defined in *The Teacher Certification and Classification Regulations*;
  - (h) **“certified teacher”** means an independent school teacher who holds a valid and subsisting certificate of qualification to teach in a school or independent school that:
    - (i) is issued pursuant to *The Teacher Certification and Classification Regulations* or section 11; and
    - (ii) is not under suspension;
  - (i) **“course”** means a statement of:
    - (i) aims and objectives and scope and sequence of content; and
    - (ii) the nature of the material;to be studied in a given subject or area of study in a given year at the secondary level;

(j) **“goals of education for Saskatchewan”** means the official goals of education prepared and published by the minister pursuant to clause 9(d) of the Act;

(k) **“historical high school”** means:

- (i) Athol Murray College of Notre Dame;
- (ii) Caronport High School;
- (iii) College Mathieu (High School);
- (iv) Luther College (High School);
- (v) Lutheran Collegiate Bible Institute;
- (vi) Rivier Academy;
- (vii) Rosthern Junior College;
- (viii) St. Angela’s Academy; or
- (ix) Western Christian College (High School);

(l) **“independent school director”** means a person appointed by a registered independent school board pursuant to section 9;

(m) **“independent school principal”** means an independent school teacher appointed by a registered independent school board to perform the duties of the principal;

(n) **“independent school teacher”** means a person employed by a registered independent school board to:

- (i) oversee the provision of instruction to pupils;
- (ii) provide instruction to pupils; or
- (iii) do both of the things mentioned in subclauses (i) and (ii);

in the independent school;

(o) **“independent school teacher aide”** means a person who:

- (i) is employed to assist; or
- (ii) voluntarily assists;

in the work of a registered independent school under the direction and oversight of an independent school principal or independent school teacher;

(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;

(q) **“letter of eligibility to teach”** means a valid and subsisting letter of eligibility to teach in a religiously-based registered independent school that is issued pursuant to section 12 and that is not under suspension;

(r) **“locally developed course”** means a course that:

(i) is developed by a board of education or an independent school board; and

(ii) is approved;

(s) **“modified course”** means a course that:

(i) is developed by the department and modified by a board of education or an independent school board; and

(ii) is approved;

(t) **“Probationary ‘B’ Teaching Certificate”** means a valid and subsisting Probationary “B” Teaching Certificate that is issued by the certificate issuing official pursuant to section 11 and that is not under suspension;

(u) **“program”** means a statement of:

(i) aims and objectives and scope and sequence of content; and

(ii) the nature of the material;

to be studied in a given subject or area of study in a given year or years at the elementary or middle levels;

(v) **“recognized”** means recognized by the minister;

(w) **“registered independent school”** means an independent school that:

(i) holds a valid and subsisting certificate of registration that is issued pursuant to section 4 and that is not under suspension; or

(ii) is deemed to hold a certificate of registration pursuant to section 5 or 6 and that is not under suspension;

- (x) **“religiously-based independent school”** means an independent school that:
- (i) is owned or operated by a non-profit corporation; and
  - (ii) has, as its principal object, the advancement of education from a religiously-based philosophical perspective;
- (y) **“special needs pupil”** means:
- (i) a disabled pupil within the meaning of section 48 or 49 of *The Education Regulations, 1986*; or
  - (ii) a pupil who is, in the opinion of the minister, at risk of not being able to achieve the pupil’s potential through regular education courses and programs;
- (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.

15 Mar 91 cE-0.1 Reg 11 s2; 25 Jly 2003 SR 78/  
2003 s3.

## PART II Registration

### Application for registration

3(1) In this Part, **“eligible independent school”** means an independent school that:

- (a) is owned or operated by a corporation incorporated or continued in Saskatchewan;
- (b) has a board that:
  - (i) exercises powers similar to those of a board of education; and
  - (ii) comprises a minimum of three adults, representing three different family units;

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- (c) has enrolled or intends to enrol pupils between the ages of 6 and 21 from a minimum of two different family units;
  - (d) has school facilities that meet recognized safety, health and construction standards;
  - (e) has goals of education that are, in the opinion of the minister, not inconsistent with the goals of education for Saskatchewan;
  - (f) is not owned or operated by, or for the benefit of pupils from, an Indian Band within the meaning of the *Indian Act* (Canada), as amended from time to time; and
  - (g) has a name that, in the opinion of the minister:
    - (i) is distinct from the names of other existing educational institutions;
    - (ii) reflects the level of educational programming offered or proposed to be offered by the independent school; and
    - (iii) does not inaccurately reflect the location or geographical area to be served by the independent school.
- (2) An eligible independent school may apply for a certificate of registration by applying to the minister on a form that:
- (a) is provided by the minister; and
  - (b) requests with respect to the independent school:
    - (i) its name;
    - (ii) its location;
    - (iii) the name of its owner;
    - (iv) if the operator of the school is not the owner, the name of its operator;
    - (v) the name of the chairperson of its board;
    - (vi) the name of its independent school director;
    - (vii) if the independent school principal is not the independent school director, the name of its independent school principal; and
    - (viii) any other information that the minister may request respecting its educational activities and educational operations.

**Independent school registration**

4(1) Where the minister:

- (a) receives an application pursuant to section 3; and
- (b) is satisfied that the applicant is an eligible independent school and that the application is complete;

the minister shall issue a certificate of registration to the applicant on any terms and conditions the minister considers advisable.

(2) The minister shall consider each application made pursuant to section 3 in accordance with the principles of:

- (a) freedom of conscience and religion in education; and
- (b) fundamental justice.

(3) Where an eligible independent school commences operations subsequent to the coming into force of these regulations, the minister may issue a certificate of registration prior to the date of its commencing operations if the applicant:

- (a) meets the criteria for registration; and
- (b) provides the minister with a written notice of intent to comply with the regulations on commencing operations.

(4) The minister may issue a certificate of registration mentioned in subsection (3) that:

- (a) is conditional on the school commencing operations;
- (b) is conditional on the school complying with these regulations once commencing operations; and
- (c) has an effective date of the commencement of the school's operations.

(5) Where the minister does not issue a certificate of registration pursuant to this section, the minister shall:

- (a) notify, in writing, the applicant of that fact; and
- (b) provide the applicant with written reasons for the non-issuance.

15 Mar 91 cE-0.1 Reg 11 s4.

**Historical high school registration**

5(1) Each historical high school:

- (a) is deemed to hold a certificate of registration on the day these regulations come into force; and
- (b) is subject to all the other provisions of these regulations as if it had been issued a certificate of registration pursuant to these regulations.

(2) Notwithstanding clause (1)(a), Western Christian College (High School) is deemed to hold a certificate of registration on the day it commences operations.

15 Mar 91 cE-0.1 Reg 11 s5; 25 Jly 2003 SR 78/2003 s4.



**Associate school registration**

**6(1)** Each associate school:

- (a) is deemed to hold a certificate of registration while its agreement with the board of education is subsisting; and
  - (b) while its agreement is subsisting, is subject to all the other provisions of these regulations, except sections 9, 16, 25 and 28, as if it had been issued a certificate of registration pursuant to these regulations.
- (2) At the request of the minister, an associate school shall promptly provide the minister with a copy of its agreement with the board of education.
- (3) If the agreement mentioned in subsection (1) is amended or terminated, the associate school shall immediately:
- (a) give the minister written notice of that fact; and
  - (b) supply the minister with any information respecting the agreement or its amendment or termination the minister may request.

15 Mar 91 cE-0.1 Reg 11 s6.

**Prohibition**

**7(1)** No person, other than a registered independent school, may:

- (a) refer to itself; or
- (b) advertise itself;

as a registered independent school.

(2) Subject to subsection (3), no person purporting to provide its pupils of compulsory school age with an exemption from attendance at a school pursuant to clause 156(a.1) of the Act shall operate an independent school without being a registered independent school.

(3) No person who has applied to the minister for registration pursuant to section 3 is liable to prosecution pursuant to subsection (2) of this section for the period of time the minister is considering the application and until the minister:

- (a) issues a certificate of registration; or
- (b) responds in writing pursuant to subsection 4(5).

15 Mar 91 cE-0.1 Reg 11 s7.

**Suspension or cancellation**

8(1) Notwithstanding sections 4 to 6, where the minister is satisfied that:

- (a) a registered independent school:
  - (i) in the case of an independent school that was issued a certificate of registration pursuant to section 4:
    - (A) obtained its certificate of registration through providing the minister with false or misleading information; or
    - (B) has breached a term or condition of its certificate of registration;
  - (ii) has violated the Act or these regulations; or
  - (iii) has ceased to meet the criteria of eligibility for registration; or
- (b) it is not in the public interest that an independent school's certificate of registration or status as a registered independent school remain outstanding;

the minister may suspend, for a period of time the minister considers appropriate, or cancel the certificate of registration or suspend, for a period of time the minister considers appropriate, or cancel the independent school's status as a registered independent school, as the case may be.

(2) The minister shall not suspend or cancel a certificate of registration or a status as a registered independent school pursuant to subsection (1) without giving the holder an opportunity to be heard.

(3) Notwithstanding subsection (2), where the minister considers it necessary in the public interest, the minister may immediately suspend or cancel a certificate of registration or a status as a registered independent school but shall give the holder an opportunity to be heard within 15 days of the suspension or cancellation.

(4) Where the minister suspends or cancels a certificate of registration or a status as a registered independent school, the minister shall immediately:

- (a) notify, in writing, the independent school of the suspension or cancellation; and
- (b) provide the independent school with written reasons for the suspension or cancellation.

**PART III**  
**Independent School Staff**

**Independent school director**

**9(1)** Each registered independent school board shall appoint an independent school director.

(2) The independent school director shall be designated as the chief executive officer of the registered independent school.

(3) The registered independent school board may appoint the principal of the registered independent school as the independent school director.

(4) The registered independent school board shall prescribe the powers and duties of the independent school director.

(5) The independent school director shall:

(a) comply with the duties prescribed by the registered independent school board;

(b) be responsible for preparing and transmitting to the department any reports and returns that:

(i) the minister may request; and

(ii) relate to the registered independent school's educational activities and educational operations;

(c) be responsible for ensuring that the registered independent school is conducted in accordance with the Act, these regulations and the policies of the independent school board; and

(d) be responsible for the general management of the registered independent school and its staff.

15 Mar 91 cE-0.1 Reg 11 s9.

**Employment criteria for teachers**

**10(1)** Each registered independent school shall only employ independent school teachers:

(a) who are certified teachers; or

(b) who hold a letter of eligibility to teach.

(2) A registered independent school has the right to restrict employment to independent school teachers who share the faith and practice of the owner or operator of the independent school.

15 Mar 91 cE-0.1 Reg 11 s10.

**Probationary “B” certificate**

11(1) A registered independent school board may apply, on a form provided by the minister, to the certificate issuing official for a Probationary “B” Teaching Certificate on behalf of a person:

- (a) whom the board proposes to employ as an independent school teacher; and
  - (b) who is not qualified for a permanent or provisional teacher’s certificate pursuant to *The Teacher Certification and Classification Regulations*.
- (2) On receipt of an application pursuant to subsection (1), the certificate issuing official may issue, on any terms and conditions that the certificate issuing official considers appropriate, a Probationary “B” Teaching Certificate to a person who:
- (a) holds a teacher’s certificate from another province or territory of Canada or recognized jurisdiction;
  - (b) holds a degree from a recognized university or college;
  - (c) holds a teaching degree from a denominationally-based college;
  - (d) holds a degree or diploma from a theological seminary, Bible school or Bible training centre;
  - (e) 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
  - (f) in the opinion of the certificate issuing official, possesses other appropriate qualifications including professional experience, vocational experience or special skills.
- (3) The certificate issuing official may refuse to issue a Probationary “B” Teaching Certificate to a person who:
- (a) has had a teacher’s certificate suspended or cancelled by a Canadian education authority; or
  - (b) has been convicted under the *Criminal Code (Canada)*, as amended from time to time, of a sexual offence or an offence involving a minor.
- (4) Where the certificate issuing official does not issue a Probationary “B” Teaching Certificate, the certificate issuing official shall:
- (a) notify, in writing, the registered independent school board that made the application of that fact; and
  - (b) provide the registered independent school board with written reasons for the non-issuance.

**Letter of eligibility**

**12(1)** A religiously-based registered independent school board may apply, on a form provided by the minister, to the minister for a letter of eligibility to teach on behalf of a person whom the board intends to employ as an independent school teacher.

(2) Subject to subsection (4), the minister may issue a letter of eligibility to teach to an independent school teacher in a religiously-based registered independent school on any terms or conditions the minister considers appropriate.

(3) Subject to subsection (4), there are no minimum requirements for a letter of eligibility to teach.

(4) The minister may refuse to issue a letter of eligibility to teach to a person who:

(a) has had a teacher's certificate suspended or cancelled by a Canadian education authority; or

(b) has been convicted under the *Criminal Code* (Canada), as amended from time to time, of a sexual offence or an offence involving a minor.

(5) Where the minister does not issue a letter of eligibility to teach, the minister shall:

(a) notify, in writing, the registered independent school board that made the application of that fact; and

(b) provide the registered independent school board with written reasons for the non-issuance.

15 Mar 91 cE-0.1 Reg 11 s12.

**Suspension or cancellation**

**13(1)** Where the minister is satisfied that:

(a) the holder of a Probationary "B" Teaching Certificate or a letter of eligibility to teach:

(i) obtained the certificate or letter by providing the minister with false or misleading information;

(ii) has violated the Act or these regulations;

(iii) has breached a term or condition of the certificate or letter; or

(iv) has ceased to meet the criteria for the certificate or letter; or

(b) it is not in the public interest that a holder's Probationary "B" Certificate or letter of eligibility to teach remain outstanding;

the minister may suspend, for any period of time the minister considers appropriate, or cancel the Probationary "B" Teaching Certificate or the letter of eligibility to teach.

(2) The minister shall not suspend or cancel a Probationary "B" Teaching Certificate or letter of eligibility to teach without giving the holder an opportunity to be heard.

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(3) Notwithstanding subsection (2), where the minister considers it necessary in the public interest, the minister may immediately suspend or cancel a Probationary “B” Teaching Certificate or a letter of eligibility to teach but shall give the holder an opportunity to be heard within 15 days of the suspension or cancellation.

(4) Where the minister suspends or cancels a Probationary “B” Teaching Certificate or letter of eligibility to teach, the minister shall immediately:

- (a) notify, in writing:
  - (i) the holder of the certificate or letter of the suspension or cancellation; and
  - (ii) the board of the registered independent school that applied for the certificate or the letter;
- (b) provide the holder and the board of the registered independent school with written reasons for the suspension or cancellation.

15 Mar 91 cE-0.1 Reg 11 s13.

**Teacher accreditation**

14(1) An independent school teacher may apply to the minister to become an accredited teacher.

(2) Where:

- (a) the minister receives an application pursuant to subsection (1);
- (b) the independent school teacher meets the requirements for teacher accreditation established by the department and set out in the department’s policy on teacher accreditation; and
- (c) the independent school teacher is under the supervision of:
  - (i) the department; or
  - (ii) an approved person;

the minister may issue a certificate of accreditation.

15 Mar 91 cE-0.1 Reg 11 s14.

## PART IV

**Inspection and Administration****Inspection**

15(1) The minister shall cause all registered independent schools, other than associate schools, to be inspected.

(2) The minister shall appoint, designate or employ as inspectors of registered independent schools only persons who meet the qualifications of a director of education for a board of education prescribed in section 5 of *The Education Regulations, 1986*.

15 Mar 91 cE-0.1 Reg 11 s15.

**School to permit inspection and provide records**

**16** Each registered independent school shall:

- (a) permit inspection of:
    - (i) the independent school's facilities;
    - (ii) the conduct of the independent school's educational activities and educational operations; and
    - (iii) the independent school's records that relate to the registered independent school's educational activities and educational operations;
- by the department at all reasonable times;
- (b) submit an annual return, on the form provided by the minister, within the time period prescribed 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 registered independent school's educational activities and educational operations.

15 Mar 91 cE-0.1 Reg 11 s16.

**School year and hours**

**17(1)** Each registered independent school shall have:

- (a) a school year that, in the opinion of the minister, is consistent with section 164 of the Act; and
- (b) hours of instruction that, in the opinion of the minister, are consistent with section 165 of the Act.

(2) A registered independent school board has the same powers as those of a board of education pursuant to sections 164 and 165 of the Act.

15 Mar 91 cE-0.1 Reg 11 s17.

**Goals of education**

**18(1)** Each registered independent school has the freedom to add to the goals of education for Saskatchewan and to define responsibility for their achievement among the school, the home, the church and the community.

(2) Subject only to such reasonable limits prescribed by law that can be demonstrably justified in a free and democratic society, clause 3(1)(e) is not intended to diminish or infringe on the religious conscience of the owner or operator of any registered independent school.

15 Mar 91 cE-0.1 Reg 11 s18.

**Instruction**

**19(1)** Each registered independent school shall provide instruction in the required areas of study, as determined by the minister.

(2) The instruction mentioned in subsection (1) shall be:

- (a) appropriate for the age and ability of its pupils;
- (b) comparable in quality to that of schools; and
- (c) consistent with generally accepted teaching principles with respect to academic content and teaching methods.

(3) Each registered independent school board may authorize and approve its own programs and courses of instruction in the required areas of study.

15 Mar 91 cE-0.1 Reg 11 s19.

**Approval of courses and programs**

**20(1)** Each registered independent school board may submit to the minister for approval:

- (a) programs at the elementary and middle levels;
- (b) locally developed courses;
- (c) modified courses; or
- (d) regular courses originating from independent schools that:
  - (i) reflect the religious or philosophical base of the registered independent school; and
  - (ii) are academically equivalent to provincially developed courses designated 10, 20 or 30.

(2) A regular course originating from an independent school and approved by the minister shall:

- (a) be designated 10I, 20I or 30I; and
- (b) qualify pupils for secondary level credits on the same basis as provincially developed courses designated 10, 20 and 30.

15 Mar 91 cE-0.1 Reg 11 s20.

**Language of instruction**

**21(1)** Subject to subsection (2), English is the language of instruction in a registered independent school.

(2) Where:

- (a) a registered independent school board passes a resolution declaring that a language other than English is to be the principal language of instruction in the registered independent school; and
- (b) the minister gives written approval to the resolution mentioned in clause (a);

the language prescribed in the resolution is to be the principal language of instruction in the registered independent school.

15 Mar 91 cE-0.1 Reg 11 s21.



**Religious instruction**

22(1) Where authorized by a registered independent school board, non-credit religious instruction may be given for a period not exceeding two and one-half hours per week within the regular hours of instruction pursuant to clause 17(1)(b).

(2) When a registered independent school board passes a resolution in accordance with subsection 21(1), the religious instruction mentioned in subsection (1) may be given in a language other than English.

(3) Notwithstanding any other provision of these regulations, non-credit religious instruction mentioned in subsection (1) may be provided by any person who meets the qualifications prescribed by the registered independent school board.

15 Mar 91 cE-0.1 Reg 11 s22.

**Eligibility for credit**

23 Without restricting the eligibility of a pupil to obtain secondary level credits in accordance with *The Education Regulations, 1986*, a pupil enrolled in a course in a registered independent school is eligible for secondary level credit in this course if:

- (a) the course has been approved by the minister;
- (b) the teacher of the course is a certified teacher; and
- (c) the instruction is under the supervision of:
  - (i) the department; or
  - (ii) an approved person.

15 Mar 91 cE-0.1 Reg 11 s23.

**Pupil records**

24(1) Each registered independent school shall:

- (a) maintain for each enrolled pupil a record indicating:
  - (i) the pupil's name and any other names by which the pupil is known;
  - (ii) the pupil's address and telephone number;
  - (iii) the pupil's sex and date of birth;
  - (iv) the name, address and telephone number of the pupil's parent or guardian;
  - (v) the school division, if any, of which the pupil is a resident;
  - (vi) the pupil's citizenship; and
  - (vii) where a pupil is not entitled to remain permanently in Canada, the type of visa held by the pupil and its expiry date; and
- (b) maintain records of pupil enrolment and attendance in a form acceptable to the minister.

(2) Subject to subsection (3), each registered independent school shall keep all records relating to a pupil confidential.

(3) Subject to subsection (4), each registered independent school shall grant access to records relating to a pupil to:

- (a) subject to clause (c), the pupil to whom the records relate and whose parent or guardian is in attendance when access is granted;
- (b) the pupil's parent or guardian where the pupil to whom the records relate is not living independently of the parent or guardian;
- (c) the pupil to whom the records relate where the pupil is:
  - (i) 16 or 17 years of age and living independently of his or her parents or guardian; or
  - (ii) 18 years of age or older;
- (d) an official of the department duly authorized by the minister to have access;
- (e) a person who is authorized by law to have access to the records;
- (f) a school or a registered independent school where:
  - (i) in the case of pupil mentioned in clause (c), the pupil; or
  - (ii) in the case of a pupil mentioned in clause (b), the parent or guardian;

authorizes access to or the provision of information from the records of the pupil.

(4) A registered independent school board may pass a resolution prescribing the conditions, including the hours and manner of inspection, under which the access mentioned in subsection (3) is to be granted.

(5) For the purposes of this section, a **“registered independent school”** includes a former independent school that:

- (a) held a certificate of registration at any time within the 15 years prior to the date of a request for access to its pupil records pursuant to this section but has closed; and
- (b) has informed the minister pursuant to subsection 27(4) that it has retained its pupil records.

**Notice of enrolment**

**25(1)** Subject to subsection (2), each parent or guardian of a child of compulsory school age who enrolls that child in a registered independent school shall be responsible for providing written notice of the enrolment:

- (a) to the principal of the school in which that child was enrolled; or
- (b) to the director of the school division in which that child resides.

(2) The requirement to provide written notice pursuant to subsection (1) does not apply where the child was enrolled in the registered independent school in the preceding school year.

15 Mar 91 cE-0.1 Reg 11 s25.

**Restrictive enrolment policy**

**26** The board of an independent school may follow a restrictive policy with respect to enrolment on the basis of sex, creed, religion or physical disability, where the school:

- (a) enrolls pupils of a particular sex, creed or religion exclusively;
- (b) in the case of religion,
  - (i) is operated by a religious order, society or non-profit corporation; and
  - (ii) has, as its principal object, the advancement of education from a religiously-based philosophical perspective; or
- (c) in the case of physical disability, enrolls pupils who have physical disabilities.

156 Mar 91 cE-0.1 Reg 11 s26.

**School closure**

**27(1)** Subject to subsections (2) to (5), a registered independent school may close the independent school or discontinue one or more of the levels taught in the school.

(2) Where a registered independent school proposes to close or discontinue one or more levels taught in the school pursuant to subsection (1), the registered independent school director shall:

- (a) notify, in writing:
  - (i) the minister;
  - (ii) the director of education of the school division in which the registered independent school is situated; and
  - (iii) in the case of:
    - (A) closure of the school, the parent or guardian of each pupil enrolled in the school;
    - (B) discontinuance of a level, the parent or guardian of each pupil enrolled in that level of the school proposed to be discontinued; and
- (b) consult with the parents or guardians mentioned in subclause (a)(iii) with respect to educational services for the pupils.

(3) A registered independent school may not close or discontinue any level pursuant to subsection (1) less than 30 days from the date on which the minister and the director of education receive notice pursuant to subsection (2).

(4) Where a registered independent school closes or discontinues any level, the board of the registered independent school shall send a written notice to the minister:

- (a) confirming the closure or discontinuance; and
- (b) in the case of closure, informing the minister that the owner or operator of the independent school:
  - (i) proposes to retain the pupil records required pursuant to section 24; or
  - (ii) requests the minister to provide for retention of the pupil records mentioned in subclause (i).

(5) On receipt of a written notice confirming closure of an independent school pursuant to subsection (4), the minister:

- (a) shall cancel the independent school's certificate of registration, and section 8 does not apply to that cancellation; and
- (b) if the minister is requested to provide for retention of pupil records pursuant to subclause (4)(b)(ii), shall cause the records to be placed for safekeeping with:
  - (i) the department;
  - (ii) another registered independent school; or
  - (iii) any other person, authority or body that the minister considers appropriate.

15 Mar 91 cE-0.1 Reg 11 s27.

**Notice of non-accreditation**

**28** Each registered independent school that is not accredited shall notify the parents or guardians of present or prospective pupils in the school:

- (a) that the school is not accredited; and
- (b) of the reasons why the school is not accredited.

15 Mar 91 cE-0.1 Reg 11 s28.

**Duties of the minister**

**29(1)** In this section, “**registered independent school**” does not include an associate school.

(2) The minister shall:

- (a) inform, in any manner the minister considers appropriate, registered independent schools of changes in curriculum policy and of curriculum development in Saskatchewan;
- (b) invite registered independent schools to participate in in-service training programs related to the implementation of new programs and courses under the authority of clause 9(f) of the Act;
- (c) supervise, at the expense of the department, any registered independent school that requests supervision;
- (d) ensure that the attendance provisions of the Act are met by pupils enrolled in registered independent schools;
- (e) provide or arrange, at the expense of the department, for diagnostic and assessment services for special needs pupils in registered independent schools.

15 Mar 91 cE-0.1 Reg 11 s29.

**PART V**  
**Accreditation**

**Application for accreditation**

**30(1)** In this Part, “**eligible registered independent school**” means a registered independent school that:

- (a) conforms to provincial curriculum policy, as determined by the minister, with respect to:
  - (i) required areas of study;
  - (ii) common essential learnings;
  - (iii) locally-determined options;
  - (iv) adaptive dimension; and
  - (v) time and credit allocations;
- (b) provides approved programs and approved courses of study in accordance with provincial curriculum policy, as determined by the minister;
- (c) employs as independent school teachers only certified teachers;
- (d) is or has agreed to be supervised by:
  - (i) the department; or
  - (ii) an approved person;

- (e) has lawfully operated, whether before or after the coming into force of these regulations, for at least one full year immediately before making its application for a certificate of accreditation; and
  - (f) in the opinion of the minister, subscribes to the goals of education for Saskatchewan.
- (1.1) Clause (1)(e) does not apply to Western Christian College (High School).
- (2) An eligible registered independent school may apply for a certificate of accreditation by:
- (a) applying to the minister on a form provided by the minister; and
  - (b) including in the application any information that the minister requests.

15 Mar 91 cE-0.1 Reg 11 s30; 25 Jly 2003 SR  
78/2003 s5.

**Issuance of accreditation**

**31(1)** Where the minister:

- (a) receives an application pursuant to section 30; and
  - (b) is satisfied that the applicant is an eligible registered independent school and that the application is complete;
- the minister may issue a certificate of accreditation to the applicant on any terms and conditions the minister considers advisable.
- (2) The minister shall consider each application pursuant to section 30 in accordance with the principles of:
- (a) freedom of conscience and religion in education; and
  - (b) fundamental justice.
- (3) The minister may issue a certificate of accreditation to an eligible registered independent school for a series of consecutive grades comprising a minimum of:
- (a) the elementary level;
  - (b) the middle level; or
  - (c) the secondary level.
- (4) Where the minister does not issue a certificate of accreditation, the minister shall:
- (a) notify, in writing, the applicant of that fact; and
  - (b) provide the applicant with written reasons for the non-issuance.

15 Mar 91 cE-0.1 Reg 11 s31.

**Alternative school application**

**32(1)** In this Part, “**eligible applicant**” means a registered independent school that:

- (a) conforms to provincial curriculum policy, as determined by the minister, with respect to alternative education;
  - (b) provides approved programs and approved courses of study in accordance with provincial curriculum policy, as determined by the minister;
  - (c) appoints and employs as independent school teachers only certified teachers;
  - (d) is or has agreed to be supervised by:
    - (i) the department; or
    - (ii) an approved person;
  - (e) in the opinion of the minister, subscribes to the goals of education for Saskatchewan;
  - (f) accepts or proposes to accept as pupils those who are placed by:
    - (i) boards of education;
    - (ii) independent school boards;
    - (iii) the Department of Social Services;
    - (iv) the Saskatchewan Department of Justice;
    - (v) the Department of Indian and Northern Affairs (Canada); or
    - (vi) with the approval of the minister, the pupil’s parent or guardian;and
  - (g) offers or proposes to offer to special needs pupils courses and programs that, in the opinion of the minister, are qualitatively different from regular education courses and programs.
- (2) An eligible applicant may apply for a certificate of accreditation as an alternative independent school by:
- (a) applying to the minister on a form provided by the minister; and
  - (b) including in the application any information that the minister may request.

**Accreditation as an alternative school**

**33(1)** Where the minister:

- (a) receives an application pursuant to section 32; and
- (b) is satisfied that the applicant is an eligible applicant and that the application is complete;

the minister may issue a certificate of accreditation as an alternative independent school to the eligible applicant on any terms and conditions the minister considers advisable.

(2) Where the minister does not issue a certificate of accreditation as an alternative independent school, the minister shall:

- (a) notify the applicant of that fact; and
- (b) provide the applicant with written reasons for the non-issuance.

15 Mar 91 cE-0.1 Reg 11 s33.

**Prohibition**

**34(1)** No person other than an accredited independent school shall:

- (a) refer to itself or any portion of itself that is not accredited as being accredited; or
- (b) advertise itself or any portion of itself that is not accredited as being accredited.

(2) No person other than an alternative independent school shall:

- (a) refer to itself; or
- (b) advertise itself;

as an alternative independent school.

15 Mar 91 cE-0.1 Reg 11 s34.

**Suspension or cancellation**

**35(1)** Where the minister is satisfied that:

- (a) an accredited independent school:
  - (i) obtained its certificate of accreditation through providing false or misleading information to the minister;
  - (ii) has violated the Act or these regulations;
  - (iii) has breached a term or condition of its accreditation; or
  - (iv) has ceased to meet the criteria of eligibility for accreditation; or
- (b) it is not in the public interest that an independent school's certificate of accreditation remain outstanding;

the minister may suspend, for any period of time the minister considers appropriate, or cancel the certificate of accreditation.



(2) The minister shall not suspend or cancel a certificate of accreditation pursuant to subsection (1) without giving the holder an opportunity to be heard.

(3) Notwithstanding subsection (2), where the minister considers it necessary in the public interest, the minister may immediately suspend or cancel a certificate of accreditation but shall give the holder an opportunity to be heard within 15 days of the suspension or cancellation.

(4) Where the minister suspends or cancels a certificate of accreditation, the minister shall immediately:

(a) notify, in writing, the accredited independent school of the suspension or cancellation; and

(b) provide the accredited independent school with written reasons for the suspension or cancellation.

15 Mar 91 cE-0.1 Reg 11 s35.

#### **Goals of education**

**36(1)** Each accredited independent school has the freedom to add to the goals of education for Saskatchewan and to define responsibility for their achievement among the school, the home, the church and the community.

(2) Subject only to such reasonable limits prescribed by law that can be demonstrably justified in a free and democratic society, clause 30(1)(f) is not intended to diminish or infringe on the religious conscience of the owner or operator of any accredited independent school.

15 Mar 91 cE-0.1 Reg 11 s36.

#### **Supervision**

**37** The minister may appoint, designate, employ or approve as supervisors of registered or accredited independent schools only persons who meet the qualifications of a director of education for a board of education prescribed in section 5 of *The Education Regulations, 1986*.

15 Mar 91 cE-0.1 Reg 11 s37.

#### **Approved program participation**

**38** An accredited independent school may participate in approved training programs for the education and training of teachers.

15 Mar 91 cE-0.1 Reg 11 s38.

PART V.1  
**Qualified Independent Schools**

**Interpretation of Part****38.1** In this Part:

- (a) **“ministry”** means the ministry over which the minister presides;
- (b) **“qualified independent school”** means a registered independent school that holds a valid certificate of qualification issued pursuant to this Part.

6 Jly 2012 SR 49/2012 s2.

**Application for certification****38.2(1)** To be eligible to apply for a certificate of qualification as a qualified independent school, a registered independent school must:

- (a) have lawfully operated as a registered independent school for at least two consecutive school years immediately before making its application for a certificate of qualification;
  - (b) be owned or operated by a non-profit corporation that is incorporated or continued in Saskatchewan;
  - (c) conform to provincial curriculum policy, as determined by the minister;
  - (d) provide approved programs and approved courses of study in accordance with the provincial curriculum policy, as determined by the minister;
  - (e) in employing teachers to teach, employ only those teachers who hold a valid Professional “A” Teacher’s Certificate issued pursuant to *The Teacher Certification and Classification Regulations, 2002*;
  - (f) agree to participate fully in the ministry’s provincial student assessment program;
  - (g) agree to participate fully in the ministry’s accountability framework;
  - (h) agree to submit financial statements to the ministry, as directed by the minister;
  - (i) agree to be supervised and inspected by ministry officials;
  - (j) comply with ministry policies and directives;
  - (k) in the opinion of the minister, subscribe to the goals of education for Saskatchewan; and
  - (l) not have an associate school agreement with a board of education.
- (2) A registered independent school that meets the qualification requirements set out in subsection (1):
- (a) may apply to the minister, on a form provided by the minister, for a certificate of qualification as a qualified independent school; and
  - (b) shall include in the application any information that the minister may request.

6 Jly 2012 SR 49/2012 s2.

**Certification as a qualified independent school**

**38.3(1)** On receipt of an application pursuant to section 38.2, the minister may issue a certificate of qualification to the applicant registered independent school if the minister is satisfied that:

- (a) the registered independent school meets the qualification requirements set out in subsection 38.2(1); and
  - (b) the application is complete.
- (2) The minister may issue a certificate of qualification on any terms and conditions that the minister considers advisable.
- (3) A certificate of qualification certifies the registered independent school named in the certificate to be a qualified independent school in accordance with the terms and conditions of the certificate.
- (4) A qualified independent school is eligible to apply for operating grants pursuant to Part III.1 of *The Education Funding Regulations*.
- (5) If the minister does not issue a certificate of qualification, the minister shall:
- (a) notify the applicant registered independent school of that fact; and
  - (b) provide the applicant registered independent school with written reasons for the non-issuance.

6 Jly 2012 SR 49/2012 s2.

**Suspension or cancellation**

**38.4(1)** The minister may suspend, for any period the minister considers appropriate, or cancel a certificate of qualification issued pursuant to this Part if the minister is satisfied that the registered independent school named in the certificate of qualification has:

- (a) obtained its certificate of qualification through providing false or misleading information to the minister;
  - (b) contravened the Act or these regulations;
  - (c) breached a term or condition of its qualification; or
  - (d) ceased to meet the qualification requirements set out in subsection 38.2(1).
- (2) The minister shall not suspend or cancel a certificate of qualification pursuant to subsection (1) without giving the registered independent school an opportunity to be heard.
- (3) Notwithstanding subsection (2), if the minister considers it necessary in the public interest, the minister may immediately suspend or cancel a certificate of qualification but shall give the registered independent school an opportunity to be heard within 15 days after the suspension or cancellation.

(4) If the minister suspends or cancels a certificate of qualification, the minister shall immediately:

- (a) notify, in writing, the registered independent school of the suspension or cancellation; and
- (b) provide the registered independent school with written reasons for the suspension or cancellation.

6 Jly 2012 SR 49/2012 s2.

**PART VI**  
**General**

**39 Repealed.** 2000, c.50, s.36.