

AN ANALYSIS OF PARENTAL RIGHTS
IN PUBLIC SCHOOL SYSTEMS IN CANADA

by
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MARGARET GAIL BAGNALL

**A Thesis submitted to the Faculty of Graduate Studies of the University of Manitoba
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The focus of this study is parents and the pivotal role they play in the development and education of their children. This thesis is dedicated to my parents, Bob and Dolly Juffs, in profound thanks for the role they have played in my personal and professional development -- they gave me the confidence, caring and courage to strive for excellence. I am deeply grateful for their love and example.

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ABSTRACT

The purpose of this study was to identify, compare, and evaluate the rights of parents as defined and protected under provincial and territorial legislation relating to public school education. The study was undertaken against the backdrop of increasing parental anxiety and dissatisfaction with the public school system and corresponding government action to address those parental concerns.

The study attempted to identify the rights and responsibilities of parents as they currently are expressed in provincial and territorial statutes and legislation; sort those rights using a classification schema; and draw comparisons among and between provinces in terms of the articulated legislated rights of parents. Specifically, the analysis focused on the rights related to Custody, Religion/Culture/Values, Language, Choice, Participation, Access to Information and Quality Assurance.

This study found that there are differences among and between provinces and territories in respect to the legislated rights and responsibilities of parents, that provincial and territorial education legislation largely focuses on the custodial rights and responsibilities of parents in the education of their children, and that provincial legislation is not enabling of the participatory rights of parents in educational decision-making. The findings indicate that the only common rights shared by Canadian parents across the country are the right to enrol a child, starting at the median age of 6, in a public school in the school division in which the parent pays property taxes, the right to opt-out of religious instruction in the school, and the right to have a child instructed in the English

language in every province and territory outside of Quebec and in the French language in Quebec. All other rights are provincially-based, idiosyncratic and not applicable to all Canadian jurisdictions.

The recommendations stemming from the study are that the provincial and territorial legislatures should move to rationalize the current provincial/territorial schooling legislation, incorporate several key areas of parental rights into all new legislation, redefine the collaborative roles of parents and educators, provide direct government funding and support for Parent Advisory Committees and establish mechanisms for the review and amendment of educational legislation pertaining to schools.

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CHAPTER 1
THE NATURE OF THE STUDY
INTRODUCTION

Historically, the rights of parents to direct the upbringing or to control the education of their children have been recognized as fundamental. In common law, society acknowledged parental rights as being interests inherent in the realm of family responsibility and integral to the preparation of children for adulthood.

Parental obligation to direct the intellectual and moral upbringing of children was considered as important as the “right and duty to feed, clothe and otherwise tend to the basic needs of the offspring” (Blackstone, 1765-1769, p. 450). The principle of parent as “first teacher” was one supported by governments in Canada until the turn of the century when the need to train more workers became more pressing and the societal need to promote equality of experience and social cohesion became a political issue. Compulsory education statutes, led by Ontario in 1874, were enacted in the interests of the state to standardize educational experiences for all students in its jurisdiction.

The interests of the state in the education of children have often conflicted with the right of parents to control the upbringing of their children and to choose the method by which their children will be educated (Buchanan, 1987 and Magsino, 1991). In Canada, the late 1880’s “marked the beginning of government incursion into family life to protect or ensure the welfare of the young” (Magsino, 1991, p. 252).

The distinction between the role of the parent and the role of the state in the

education of a child has become a topic of animated debate and, in many cases, litigation. Crittenden (1982) presents seven arguments in support of the moral position of parents in asserting their rights to participate and make decisions in the education of their children. In summary, they are:

1. Children depend for their welfare and even survival on the care of adults. Their development is impaired unless they experience an affectionate and stable relationship with the adults responsible for their upbringing; however, the authority to make decisions for the long-term interests of children, when properly exercised, progressively renders itself unnecessary.
2. Parents are likely to promote their children's welfare and development better than anyone else.
3. The procreating of a human life should have a crucial bearing on the assignment of moral duties and rights towards children, since those responsible for bringing about the first stage of a child's life incur the moral responsibility for the completion of the process (i.e., to rational autonomy).
4. The moral and legal commitment to the institution of marriage and the moral and legal duties to care for the children of that marriage, are the basis for the moral relationship between children and parents.
5. The distinctions between formal education and general upbringing delineate between the role of the school and the parent. Here formal education means basic skills of numeracy and literacy, reflective culture, knowledge of political and legal institutions and economic order, knowledge of health care and fitness. General upbringing refers to attitudes, values and ways of acting, particular systems or styles of life.
6. Groups that reflect a distinct way of life within a pluralistic society (e.g., religious and ethnic bodies) often claim the right to control the education of their members; however, the group's role also depends on the delegation of responsibility from the parents to the group.
7. The welfare of the society as a whole sets conditions for what schools are to offer as an educational program and thus for the kind of formal education parents may choose for their children.

Crittenden's seven arguments provide a compelling framework for the embedding of parental rights in legislation.

Buchanan points out that in the United States "the Supreme Court has

avoided the issue of whether education is a state function or a private, parental function, (although) the Court has held the right to direct the education of one's child to be within the penumbra of privacy interests protected by the Bill of Rights..... Thus, this parental liberty is protected against state governmental interference unless the state has a compelling reason to over-ride the liberty" (p. 342).

Stamp argues that "the current arm's length relationship between school and community is a product of the twentieth century. Schooling in grandfather's day developed in an atmosphere of close community interest (and involvement) ... But the growth of large cities and the creation of large rural school districts made it more difficult for individuals to influence school policies. Professional administrators took charge. Boards of education became necessary evils and parents and laymen became almost unnecessary, except to furnish students and periodically elect trustees" (Stamp, 1975, p. 3).

There has been a call-to-action over the last twenty years, as parents have attempted to move off the side-lines of education and back into the game itself as part of the educational team. Over twenty years ago, prominent Canadian journalists like June Callwood and Michele Landsberg railed against the xenophobic attitudes of school administrators and the professional mentality that keeps parents out of the classrooms "as though open-heart surgery were in progress" (Callwood, 1967, p. 31). They urged parents to become more assertive in their dealings with their children's schools, since, after all, "We pay for the schools, and everyone in the system from the director of education down, is our employee." (Landsberg, 1973, p. 12).

In his recent scathing analysis of the "catastrophe" in public education,

Andrew Nikiforuk (1993) bemoans the loss of community in the modern school and lays the blame squarely on the shoulders of “educators and of several determined social forces”. He argues that:

Over the last fifty years, as North American technocrats built bigger high schools and bigger school boards, parents slowly abandoned a system they could no longer understand and that could not, by dint of its size, remain true to the neighbourhood. Many parents, drawn by the demands of jobs far from home and bombarded by electronic media, retreated into suburban castles, trusting others to do what they no longer had time or the inclination even to think about. In this vacuum, educators naturally took over more and more of the duties normally expected of parents. The parent as participant in and proprietor of the educational system became the parent as client and captive (p. 53).

While Nikiforuk laments the passivity of parents that has resulted in their abdication of responsibility for the education of their young, he warns that a rehabilitation of the school system is contingent on the parents’ willingness to become involved:

If parents respect the school as an institution of teaching and learning, they will also have to embrace the full responsibility of parenting and the duties of community life. No reconciliation can begin without parents taking back what they have knowingly surrendered or had stolen from them and no change of lasting value can occur without parents once again becoming aware of the importance of local life.....Public schools have always told us who we are and where we are going. They hold up a mirror to our collective selves. A community concerned about the quality of life will likely support a quality school, provided educators respect the community’s wishes (p. 94).

Nikiforuk’s advice to parents who are concerned about their child’s schooling is this: “Keep good homes and fight for better school.” His definition of a ‘good home’ is one where “good families put child rearing ahead of career” by ensuring that one parent is at home. Fighting for better schools translates to

“forming populist groups...to challenge the itinerant professional vandals ruining the schools” (p. 118).

Fuelled by the rhetoric of writers like Nikiforuk, parents across Canada are moving toward ‘taking back the schools’, wresting their ‘rightful’ share of the decision-making away from the professionals and elected officials who have a vested interest in maintaining the status-quo. Parents are exerting pressure on the government, individually and through parent-lobby groups, to acknowledge their role as educational partner, and to confirm that acknowledgement through legislation. Aware of the groundswell of discontent within parent ranks, provincial governments are responding with a flurry of new policy statements and revisions to education legislation that are more sensitive to parent concerns and inclusive of parent rights.

Throughout the last decade, provincial governments across Canada have commissioned task forces, royal commissions and study groups to survey public reactions and opinion regarding the quality and delivery of education in their jurisdictions. From British Columbia (1988) to Newfoundland (1992), appointed commissioners have criss-crossed their provinces, organizing regional meetings, mobilizing the educational community, and sorting through tens of thousands of submissions from groups and individuals with an interest in the future of education in Canada. The analyses and recommendations contained in the reports developed by those commissioners have, in most cases, formed the basis for the review and reform of existing educational programming, funding and legislation.

Across Canada, parents were particularly well-represented as they appeared before the commissioners or offered their written submissions,

expressing their opinions and concerns about issues ranging from the length of the school year to the choice of textbooks in the classroom. The most frequently recurring issue identified by parents in their presentations was the accommodation of greater parental involvement in the educational decision-making process. As the Home and School Parent-Teacher Federation said to the Manitoba Task Force on Education Legislation Reform: "If you eliminate parents from the consultation process, you have shut the door on the very first teacher that students have" (Report on Education Legislation Reform, 1993, p. 21).

From coast to coast, parents are claiming an 'a priori' right to a voice in the educational decision-making affecting their children. As the 'baby-boomer' generation, representing the best-educated, best-paid, and most demanding cohort of parents ever known in Canada, moves through the stages of parenting, the issue of parental rights in education will take on a heightened importance.

Concurrently, the introduction of federal legislation such as the Charter of Rights and Freedoms (1982) and the Freedom of Information Act, has raised parental expectations on the matter of rights. As Magsino (1991) points out, "Because the Charter applies to both federal and provincial governments and their respective agencies and because it invites (in Section 24) all citizens to seek remedies in the courts for rights that are infringed upon or violated, the courts may be expected to spend much more time than before in reviewing the statutory or legislative basis of governmental policies and actions" (p. 258).

Parents are looking to both federal and provincial legislation to provide them with the legal means to achieve their goals. Legislation sets the framework

within which education is delivered and within which educational change can occur. In the operation of the Canadian system of education where education is a provincial responsibility, the provincial legislation defines the rights and responsibilities of the key players in the public schools of our nation.

PURPOSE OF THE STUDY

The purpose of this study is to understand the legal rights possessed by parents within the public school systems of Canada's provinces and territories. Those parental rights and responsibilities are enshrined in the provincial and territorial legislation governing education. For parents to claim rights, however, they must be aware of the nature and scope of those rights as they currently exist in the educational legislation. To achieve that awareness process, parents need to ask three guiding questions:

1. "What rights do parents with children in the public school systems of Canada presently possess?"
2. "Are parental rights provided for equally in legislation in different Canadian provinces and territories?"
3. "To what degree is provincial legislation efficacious in promoting parental rights in education?"

In examining these important questions, there are several relevant considerations:

1. The rights regarding the education of children have been slowly shifting from the parent to the state, the movement from parental right to

government authority having been forced on government by the increasing complexity of society and the compelling economic and social reasons for government to assume greater responsibility for the education of children. The concept of 'parens patriae' is predicated on the belief that the state must step in to protect the best interests of the child if the parent is not behaving in a caring, responsible manner. There are many who believe (Henteleff 1993) that the notion of parens patriae is an erosion of the inalienable right of parents to make decisions in the best interests of their children. The experience of provincial governments, however, is that all too frequently, for all too many compelling reasons, the state must adopt the role of legal parent to protect the child from the natural parent.

2. In jurisdictions where parents are more meaningfully involved in educational decision-making, there are more positive parent-school relationships.
3. Since education is a provincial responsibility in Canada, and since different provinces have different situations, different leaders and different politics, it follows that the legislation developed to govern education will have different legislation results.
4. There is a legitimate case for saying that parents have rights and that governments should recognize those rights and that a way of protecting those rights is to enshrine them in legislation.

THE HYPOTHESES

In light of these considerations, it is reasonable to make the following hypotheses:

1. There are differences among and between provinces and territories with respect to the legislated rights and responsibilities of parents.
2. Provincial and territorial education legislation commonly focusses on the custodial rights and responsibilities of parents in the education of their children.
3. Provincial legislation is not enabling of the participatory rights of parents in educational decision-making.

This study attempts to verify the above hypotheses by examining the acts and statutes that govern K-12 education in Canadian provinces and territories, so as to identify the legal entitlements and responsibilities of parents. The subsequent analysis of those entitlements provides the data for a comparison of the legislation from province to province regarding the rights of parents.

The analysis examines and compares the extent to which Canadian jurisdictions recognize and provide for parental rights in education legislation. The comparative analysis of the legislation gives parents, educators, legislators and educational administrators an inventory of the legal entitlements that Canadian parents have been granted. Such data could provide one basis for making decisions about which rights could or should be extended to parents in Manitoba.

DEFINITION OF TERMS

It is critical when determining the status of parental rights in provincial and territorial legislation that there be a clear understanding of the scope and meaning of the key terms. For the purposes of this thesis, the two terms which require clarification and delineation are 'parents' and 'parental rights'.

Parents

In its simplest form, a parent is a mother or father. In its more complex form, it is anyone who takes on a parenting role in the nurturing of the young. In the years since the end of World War II, the dynamics of family life in Canada have changed dramatically. As Barry Sullivan (1988) has pointed out in The Report of the Royal Commission on Education:

...the family of the early 1950's was typically presided over by two parents - one the homemaker, the other the breadwinner - who, with their three children, resided in one or two communities for much of their lives... Marriages generally endured; divorce or separation was considered cause for social disapproval. Today, families are smaller in size than in the past (i.e. from 3.5 people/family in 1971 to 3.0 people in 1986)... Between 1981 to 1986, the number of single-or-lone parent families increased by 22.8%; during the same period, husband-and-wife families increased only 4.7%. Of the total number of lone-parent families, about 82% are headed by women and nationally, 62% of the latter group are estimated to be living below the poverty line... Of the families with children in 1986, only 3% were families with children of school age (p. 30).

The changing nature of the family has had far-reaching effects on every aspect of the educational system and has forced educators to be more cautious in many dealings with parents. Now it is essential in working with a child to

determine, for example, who has legal custody of the child, what visitation rights apply, what relationships exist between the child and his/her birth parents, which parent has access to the child during school hours.

Parental Rights

According to Eekelaar (1973) "...the expression 'parental rights' is clearly a loose way of describing the conglomeration of rights, powers, liberties and (perhaps) duties which a parent has with respect to his child" (page 212). Eekelaar argues that rights extend beyond the reasonable expectation of parents for their children's education. Rights are the empowerment through legislation by which those expectations may be fulfilled. For example, the Home and School Parent-Teacher Federation of Manitoba presented a list of seven 'Parent Rights' as part of their brief to the Manitoba Task Force on Education Legislation Reform, November 6, 1991. The list comprised "some rights (that) are self-evident, some ... inscribed in law, others ... simply standards which parents have grown to expect when good educational practice is followed" (p. 23). The rights presented were:

1. the right to choice - i.e., to choose the kind of education most appropriate for their child
2. the right to information - i.e., regarding student progress, school programs, services, school board activities
3. the right to be heard - i.e., when policies, planning and evaluation are being formulated
4. the right to special assistance - i.e., to services for students with special needs and abilities
5. the right to involvement - i.e., in their child's educational program

6. the right to safeguards - i.e. for the protection of their children from physical, intellectual or emotional abuse
7. the right to appeal decisions they consider unsatisfactory or incompatible with good practice (Presentation to the Review Panel on Education Legislation Reform, 1991, pp. 2-3)

It was the hope of the Home and School Parent-Teacher Federation of Manitoba that the seven 'rights' of parents listed above would be incorporated into the revisions to the existing Manitoba Public Schools Act and Education Administration Act.

For the purposes of this study, the definition of 'rights' will be that used by MacKay (1984), that is, that 'rights' is the label that has been used to refer to those interests that have acquired sufficient societal acceptance to be protected by the Canadian legal structure... in the functional sense rather than in the philosophical or moralistic sense" (p. 7). As MacKay points out, 'rights' is not a neutral term and is often used to present a particular argument rather than describe an actual state of affairs. Parental rights, then, are those legal rights people have simply as parents, not as good parents. Since the advent of the Charter of Rights and Freedoms, Canadians have become more conscious of, and covetous of 'rights'.

DELIMITATIONS OF THE STUDY

This study is an analysis of the rights of parents as delineated in the education legislation of Canada's provinces and territories and as classified under the headings of Custody, Religion/Culture/Values, Language, Choice,

Participation, Access to Information and Quality Assurance. The analysis is limited to the K-12 public education system and does not include the rights of parents with students enrolled in private or independent schools. This is not an empirical study of the rights claims of parents or of the particular entitlements for which there is an ethical, but not a legal, justification. The focus is solely on those rights which have their basis in legislation. The study does not examine parental rights that have been achieved through litigation and does not include those entitlements which have been given to parents through the regulations attached to the legislation. Further, the analysis of the legislated rights has been carried out under the structure of the classification schema developed by the author. Another researcher using another schema comprising more, fewer or different areas of investigation, might produce a different perspective on the legislated rights of parents in the public school systems of Canada.

CHAPTER II

REVIEW OF THE LITERATURE

The literature related to the role of parents in the educational process is treated here in four broad categories: parental involvement as a factor in student performance and home-school relationships, parent as advocate, response of the educator to parental involvement, and legal provisions for parental involvement. This study will take into account each of the four bodies of research and literature, but will focus primarily on the last category - legal provision for parental involvement. In fact, the first three categories support and provide background and context for understanding the legal claim of parental rights. In addition, the first three categories provide the theoretical background and ethical foundation for the entrenchment of parental rights in legislation.

THE BENEFITS OF PARENTAL INVOLVEMENT

There is a significant body of research that supports the thesis that parental involvement in a child's education results in enhanced student performance and more positive home-school relationships. For example, Becher's study, "Parent Involvement: A Review of Research and Principles of Successful Practice" (1984), concerned four aspects of parental involvement:

- (a) the role of parents/family/home in determining children's intelligence, competence and achievement;
- (b) the effects of parental education programs on cognitive development and school achievement, and the characteristics of effective parent education programs;
- (c) parental practices that promote reading readiness and receptivity to reading instruction and intervention efforts to enhance these effects;
- (d) the effects of parent participation and involvement in educational programs, the means for bringing about those effects, and the means for improving parent-teacher relationships and communication.

As a result of her study, Becher reported that "children with higher scores on measures of achievement, competence and intelligence, had parents who held higher educational expectations and aspirations for them than did parents of children who did not score as high" (p. 6), and "higher scoring students came from homes in which there was considerably more reinforcement of school behaviour" (p. 7). The research Becher quotes also indicates that, as a result of parental involvement in educational programs, parents have developed and exhibited more positive attitudes about school and school personnel.

Becher attributes the interest in improving parent-teacher-school relationships and expanding the roles parents play in educational programming to a variety of social, political, economic, educational, theoretical, empirical and legislative forces that have converged in response to difficult social and educational problems and changing cultural and societal norms. She identifies several factors that have focussed attention on the rights, responsibilities and impact of parents who wish to influence educational programs. These factors

include declining achievement scores, rising educational costs, distrust of bureaucratic institutions, feelings of alienation, recognition of cultural and ethnic differences and renewed interest in the basic concept of participatory democracy. A decade has passed since Becher concluded her study, and the growing call for the restructuring of schools to allow for greater parent-school collaboration has validated her conclusions.

THE PARENT AS ADVOCATE

Audain (1983) argues that school boards that do not provide for parent input are, in fact, betraying children. Audain's main criticisms of the school board system are that it is not representative of parents nor responsive to their input; that school systems are not accountable; and that school systems are impervious and indifferent to change. Accordingly, Audain sees more parental involvement as the key ingredient in revalidating Canadian schools. Unless parents are assured "a meaningful role in schools, as advocates and enforcers of their children's rights, we will increasingly see parents abandoning the schools" (p. 12) via home schooling, correspondence courses, private schools and alternative schools.

Several researchers have examined the role of the parent as arbiter and defender of moral and religious values for his/her children (Bridges, 1984; Crittenden, 1982; Forster, 1989; Hobson, 1984; Magsino, 1984). Parental disenchantment with secular public education is evidenced in Manitoba by the proliferation of fundamentalist Christian private schools and the increase in the number of parents opting for home schooling of their children. These parents

have argued that their values are separate and distinct from those held by the public schools in their community. As the emphasis on religious exercises and religious studies decreases in the public school system, many parents are looking to alternative school settings to support their Christian beliefs and family values consonant with these beliefs.

“In the history of Western thought it has generally been assumed that the moral conditions affecting the role of parents are grounded on the biological relationship combined with the fact that human beings are incapable of developing or even surviving on their own in the early years of life” (Crittenden, p. 325). The compelling need of parents to nurture and guide their young children in those formative years extends to their physical, intellectual and moral education. By law, by history and by natural function, it is the parents who have the duty to educate or provide education for their children, and individual parental rights are to be restrained in their exercise only if they threaten children’s long-term happiness (Magsino, 1982).

Hobson (1984) argues that:

...parents should be the prime agents in their children’s upbringing, other things being equal, because they are the ones most likely to best promote the welfare of their children. It is the parents who have the most direct interest in their children’s welfare and the parent-child bonds of affection are more likely to ensure the continuous care and attention needed, even under the most difficult of circumstances (p. 64).

In short, the parent is seen as the trustee of the child’s best interests, and as Bridges (1984) asks: “How can the best interest of the child be pursued by society when there is no collective perception of that interest” (p. 56)?

RESPONSE OF EDUCATORS TO PARENTAL INVOLVEMENT

If, as the research has shown, the involvement of parents in educational programming is morally, legally and ethically justified, and, moreover, is beneficial to students, parents and school personnel, why have teachers and administrators been slow to involve parents more substantially in educational decision-making? While no one would argue that parents should have no role in education, the point of departure comes in deciding how many rights and of what nature are desirable. Educators and parents are often at odds over the optimum role and rights of the parent in today's public school system.

A report by the National Education Association, (1972) entitled Parent Involvement: A Key to Better Schools, lists the most common 'fears' of teachers as they face increased parental involvement in schools. Teachers expressed the following concerns:

- a) planning for parent involvement activities takes too much time;
- b) parents will try to take over teaching responsibilities and won't follow the teacher's instructions and school regulations;
- c) parents will cause confusion and disrupt the classroom because they don't know how to work productively with children;
- d) parents will use non-standard English or demonstrate other characteristics teachers do not want introduced into the classroom;
- e) parents would not keep their commitments;
- f) parents would discuss confidential information with their friends;
- g) parents would be too critical and therefore make teachers uncomfortable.

Seifert (1993) confirms that, twenty years later, those fears still plague

teachers in Manitoba:

Beginning teachers of all grade levels report relations with parents as one of the most awkward aspects of their work, ranking it as difficult as classroom management, motivating students and responding to individual differences. From the point of view of teachers, parents make numerous evaluations of their work through indirect comments before and after school for example, or during unsolicited phone calls about classroom matters. From the point of view of parents, teachers can seem insensitive to the needs of individual children, fail to respect parents' knowledge of their own children and create obstacles to communication by making themselves relatively unavailable (p. 24).

Teachers' concerns increase as parent involvement efforts are encouraged or, in fact, mandated through policy commitments and legislation. Teachers not personally disposed to establishing strong parent-teacher relationships will be asked to take a more active role. Tension, deriving from the various and sometimes unarticulated expectations for this enhanced parental involvement, can be alleviated through clearer delineation of the powers, rights and responsibilities of each of the key players. Therefore, the policy and legislative framework that supports parental involvement must be carefully crafted and mutually complementary to achieve its goals (Edwards and Whitty, 1992; Martin, 1992).

LEGAL PROVISIONS FOR PARENTAL INVOLVEMENT

Bergen, Gour and Pritchard (1990) have examined the perceptions and attitudes of school authorities regarding the rights and freedoms of students and parents. They point out that the effect of the Canadian Charter of Rights and

Freedoms on the interpretation of parental rights in education has yet to be fully experienced. Although the Charter generally does not curtail the powers of legislatures regarding school legislation, it has implications for the limits placed upon individual rights and freedoms. They urge provincial governments "to amend school legislation and school boards their policies in order to bring these in line with the intent of the Charter" (p. 8). Magsino (1992) argues that the state must be allowed administrative structures, "in pursuit of a compelling interest in education" (p. 28) unless such structures are so manifestly unfair or restrictive as to violate the principles of justice in the Charter.

Martin's analysis (1992) of the legislation dealing with parental involvement in the three provinces of British Columbia, Alberta and Quebec, indicates that the reform in the area of parental participation is not necessarily what it seems. Although recent changes to the education legislation in each of those provinces were based on policy statements that affirmed more parental access to the educational decision-making process, in reality, the effect of the legislation is more illusory than real. Using a seven-criteria scale, Martin assesses the potential of the education legislation in each province for achieving specific policy objectives, real or perceived. Martin's work is particularly relevant to the intent of this study and will provide a springboard for part of the analysis of the educational legislation although the criteria and analysis presented by Martin are, in fact, more workable for certain rights than others.

In an earlier examination of the impact of Quebec's mandated parental participation model, Lucas, Lusthaus and Gibbs (1978) discovered that the involvement of parents in the educational process was largely illusory. Their study analysed the minutes of eleven parent committees in the province over

the span of one year, in order to ascertain the activities of parents engaged in parent committee work; to analyse how these activities were distributed in relation to the aims of the legislation; and to compare the actual outcomes of the legislation to the intended outcomes. Their analysis showed the following breakdown of committee activity:

- a) student-related concerns (eg. social activities, discipline, health and safety, field trips) constituted the largest proportion of minute entries (32.5% for elementary and 25.7% for secondary).
- b) nearly 25% of the entries were concerned with the operation of the committees themselves (ie procedural issues such as setting meeting dates)
- c) over 20% of the items were related to the administrative procedural matters (eg. maintenance of the physical plant, transportation, busing)
- d) pedagogical concerns (programs and evaluation) comprised 19% in secondary and 11% in elementary.

As to the question of who initiates school committee activities, the results of the study "leave little doubt that the single most important source in both school levels was the school administration" (p. 36). The authors concluded that Quebec's legislated parent advisory committees operate in the familiar manner of a professionally-led parent-teacher association - with little evidence to be found of independent action or occasional opposition. So the implementation of the legislation, which is enabling of the parental right to participation, falls short of its intent.

One area of school legislation - the provision of educational opportunities for special needs children - has been the focus of a great deal of parental attention

and media coverage in recent years. In a handbook developed to support parents of children with special needs, Henteleff (1993) identifies four major legal approaches in developing the legal right to an appropriate education:

1. An express legislative statement of the right to an appropriate education in a provincial education act.
2. An expressly legislated right to an appropriate education without discrimination in a provincial human rights code.
3. A right to education developed under the Canadian Charter of Rights and Freedoms.
4. Case law interpretation establishing such a right under the common law.

Henteleff argues that "policies without legislative foundation are the worst kind of deception; they are promises that suggest commitment, but which cannot be legally enforced. Such hard-won progress can be unilaterally swept away with no explanation and no recourse" (p. 3). Henteleff's argument is that, without the support of legislated rights and entitlements, a parent of a special needs child is vulnerable to the vicissitudes of the educational system and to the good will of those functioning within it. In similar fashion, Baldwin's (1991) cross-Canada survey of provincial education legislation concludes that parents have little, if any, legal means to influence the delivery of the special education services that their children receive. This, Baldwin points out, is "irrespective of the elaborateness of the province's education legislation" (p. 29). Baldwin sees the court's reticence to interfere with the discretion of school authorities as, in large measure, due to the absence of empirical data to establish that one mode of service delivery is superior to another. However, Magsino (1992) attributes the court's unwillingness to engage in judicial activism as a demonstration that

“they are not eager to dislodge the legislatures and the body politic from their policy making roles” (p. 29).

In summary, the literature reinforces the conceptualization that parent involvement in education, although efficacious to student, teacher, school and parent, is not strongly supported by those educators or bureaucrats who have a vested interest in maintaining the educational status quo. That reluctance to disturb the status quo is manifest in the lack of progress in advancing wide-scale parental involvement in decision-making in the K-12 public education system. As this survey of the literature demonstrates, the bulk of the information and research available pertaining to a parent’s role in the educational system centres on the three areas of parental involvement as a factor in student performance, parent as advocate, and response of the educator to parental involvement. There is no comprehensive literature regarding parental rights in the public school systems of Canada. That lack of research in the critical area of legislated parental rights served as the impetus for the analysis presented in this study.

CHAPTER III

METHODOLOGY

The study was descriptive in that it involved the collection of data and information contained within existing provincial and territorial education legislation pertaining to the rights and responsibilities of parents. The data collected for the study were sorted and analyzed in two sub-sets, a classification schema that allows for the sorting and grouping of existing provincial legislation into related clusters of parental rights and responsibilities, and an analysis of the legislated provisions for parental rights, expanding on the framework developed by Martin (1992).

Classification of Parental Rights

An examination of the provincial and territorial statutes governing education, revealed that references to the rights of parents fell into seven general categories. These were labelled custody, religion/culture/values, language, choice, participation, access to information and quality assurance because the legal references clustered naturally into these groupings of related entitlements. Specifically, the following acts/ statutes comprised the data base for the classification schema derived see (Figure 1, page 26):

Northwest Territories, Education Act (1990)

Yukon, The Yukon Education Act (1990)

British Columbia, Manual of School Law (1991)

Alberta, School Act (1990)

Saskatchewan, The Education Act (1978)

Manitoba, The Education Administration Act (1990) and The Public Schools Act (1980)

Ontario, Education Act (1990)

Quebec, Loi sur L'instruction Publique (1992)

New Brunswick, Schools Act (1990)

Nova Scotia, The Education Act (1990) and The School Boards Membership Act (1991)

Prince Edward Island, The School Act (1974)

Newfoundland, The Schools Act (1970) and The Department of Education Act (1984)

The classification schema facilitates the comparison of parental rights and responsibilities from one jurisdiction to another. It also provides a structure for the identification of any "gaps" in legislation related to parental entitlements. It was intended that the schema would provide a new and useful way of thinking about the parental rights and responsibilities spelled out in Canadian school legislation. The schema should allow educators, legislators and parents to cross-reference the existing rights of parents as they are inscribed in education law and statute.

Analysis of Legislative Provisions for Parental Rights

This analysis extends the framework developed by Martin (1992) in her "Comparative Summary of Parental Participation Provisions in the School Legislation of British Columbia, Alberta and Quebec" (Figure 2). Martin focussed on the accommodation of parental participation in the school systems of three provinces, through the function of local Parent Advisory Councils. This study broadens that consideration to include all Canadian provinces and territories and advances the comparative examination into six additional areas of parental rights, that is, into those areas represented in the Classification Schema (Figure 1, page 26). The purpose of this analysis is to provide a

FIGURE 1

Classification Schema for Legislated Parental Rights and Responsibilities	
a) Custody	
<ul style="list-style-type: none"> - definition of parent - custodial parent - student attendance - student behaviour/suspension - appeal of suspension/expulsion 	
b) Religion/Culture/Values	c) Language
<ul style="list-style-type: none"> - religious instruction - religious exercises - minority rights - multicultural education - family values 	<ul style="list-style-type: none"> - official languages - heritage languages - minority rights - languages
d) Choice	e) Participation
<ul style="list-style-type: none"> - choice of school - school/school division boundaries - home schooling - transportation - school closure 	<ul style="list-style-type: none"> - consultation - parent councils - classroom observation - volunteering
f) Access to Information	g) Quality Assurance
<ul style="list-style-type: none"> - student files - teacher interviews - report cards - confidentiality/privacy - appeal process 	<ul style="list-style-type: none"> - curriculum - textbooks/materials - standards/retention/promotion - gifted education - special education

comparative summary of the specific legislative provisions that pertain to parental rights in each of Canada's provinces/territories. The details of this comparative analysis is the substance of Chapter IV and Chapter V.

The analysis also addresses the efficacy of the present legislation in each jurisdiction. As Martin points out, "Efficacious legislation maximizes the likelihood that policy objectives will be achieved by formally structuring the implementation process" (p. 64). The major features or criteria of efficacious legislation identified by Martin are:

1. the policy objectives are precise and clearly ranked, both internally (within the law itself) and externally (within the overall program of the implementing agencies).
2. the form of the legislation is appropriate to the ends sought (where the statute provides a mechanism to effect change, the mechanism, once implemented, should reasonably be able to bring about the anticipated change).
3. incentives and disincentives are formally provided for in the law, to increase the likelihood of its implementation and of compliance with it.
4. the statute stipulates the formal decision-making rules for the implementing agency.
5. the statute provides adequate means of and procedures for enforcement of the policy, including provisions for enforcement, the establishment and careful structuring of the enforcement agency, sanctions that can effect compliance and institutional and procedural arrangements to monitor compliance.

6. the statute provides for oversight and other monitoring mechanisms to see that the policy is implemented as intended.
7. the statute provides at the outset, a level of funding adequate to ensure the possibility of achieving statutory objectives.

The application of these seven criteria to the legislation regarding parental rights and responsibilities assesses whether the legislation is haphazard and superficial or, in fact, carefully crafted and effective. The analysis of the legislation as it relates to the policy statements of governments demonstrates whether the ideals of “parental partnership”, “empowerment”, “consultation” and “participation”, so often part of the rhetoric of government, are validated and supported in the statutes. This evaluative analysis will be conducted in Chapter V.

Comparative Summary of Parental Participation Provisions in The School Legislation of British Columbia, Alberta, and Quebec.

Criteria	British Columbia	Alberta	Quebec
POLICY OBJECTIVES	Ambiguous. Lack precision.	Ambiguous. Lack precision.	Clear. Precisely stated in the law.
FORM OF THE LEGISLATION	Form inappropriate for real participation. Parents Advisory Councils are only advisory bodies.	Form not appropriate. School Councils are only advisory.	More appropriate form. In addition to being advisory, orientation and school committees are functionary bodies.
INCENTIVE OR DISINCENTIVE TO COMPLY	No formal incentive or disincentive.	No formal incentive. Some disincentive through ministerial power to review some school board decisions.	The law directly provides disincentives and incentives. See enforcement below.
FORMAL DECISION RULE	No formal decision rule in the law.	No formal decision rule in the law.	The law stipulates some important decision rules.
ENFORCEMENT	No provisions for enforcement.	No provisions for enforcement.	The Minister has power to suspend powers of a non-compliant board.
OVERSIGHT	No oversight provided.	The Minister oversees with power to review some Board decisions.	No specific provisions for oversight, but the form of the law reduces need for oversight.
ADEQUATE RESOURCES	In 1990-1991, Boards got \$319,000 in untargeted funds for PACs support. Three year funding of 250,000 provided by BCCPAC.	No provincial funds have been allocated for the operation of school councils.	No provincial funds have been provided although the law stipulates that boards must provide budgets for committees.

From "A Comparative Legislative Analysis of Parental Participation Policy in British Columbia, Alberta, and Quebec," by Y.M. Martin, Education and Law Journal 1992-1993, p. 85.

CHAPTER IV

PARENTAL RIGHTS: THE FINDINGS

The analysis of parental rights in provincial education legislation comprises an application of the classification scheme (Figure 1) to the particular legislation regarding public education in each province or territory. The legislative references pertaining to parental rights/responsibilities are sorted and categorized under the headings of Custody, Religion/Culture/Values, Language, Choice, Participation, Access to Information, and Quality Assurance. These subsection headings delineate the specific features of the various legislation.

The provincial/territorial legislation that forms the basis for this analysis is the current legislation as at July, 1994. Several provinces are in the process of drafting new legislation that will see more attention paid to the issue of parental rights in education, but this analysis does not include legislation in the proposal stage.

The education legislation of each province and territory is examined in a sweep from West to East - from the Yukon to Newfoundland/Labrador. The highlights of the legislation from each province/territory, in each of the schema's areas, are then collated in a grid for easier comparison and evaluation (Figures 4-10).

YUKON

Partners in Education: The Yukon Education Act (1990) is a broad-brush approach to educational legislation, setting the global vision and inclusive tone that will provide the framework for subsequent regulations. Partners in Education is unique in Canadian educational legislation in that it begins with a preamble articulating the territory's beliefs and values. The mission statement stresses the symbiotic relationship of home and school by:

Recognizing that Yukon people agree that the goal of the Yukon education system is to work in co-operation with the parents to develop the whole child including the intellectual, physical, social, emotional, cultural and aesthetic potential of all students to the extent of their abilities so that they may become productive, responsible, and self-reliant members of society while leading personally rewarding lives in a changing world; and

Recognizing that the Yukon education system will provide a right to an education appropriate to the individual learner based on the equality of educational opportunity; prepare students for life and work in the Yukon, Canada, and the world; instil respect for family and community; and promote a love of learning; and

Recognizing that meaningful partnerships with greater parental and public participation are encouraged for a high quality Yukon education system; and

Recognizing that the Yukon curriculum must include the cultural and linguistic heritage of Yukon aboriginal people and the multicultural heritage of Canada; and

Recognizing that rights and privileges enjoyed by minorities as enshrined in the law shall be respected. (p. i)

The language of the preamble is uncharacteristically child and family-centred for a piece of educational legislation. It reiterates the primacy of culture, language and family in the educational development of the "whole child". That inclusive tone is consistent throughout the Yukon document. There is even a separate section (Division 3) describing "Parent Rights and Responsibilities".

Of all of the Canadian legislation, the Yukon Education Act is the most conscious of and protective of the role of the family and the community in the process of education. That focus is clearly evident as the references to parental rights and responsibilities are examined within the classification schema.

Custody

The Yukon Education Act defines a parent in a comprehensive and socially sensitive way, taking into account the wide variety of family arrangements that exists. Parents are “the biological parents, the adoptive parents by custom or otherwise, the persons legally entitled to custody, or the persons who usually have the care and control of the child” (s. 3).

Conditions and exceptions regarding student attendance are outlined in the legislation: “The Superintendent or Director may, on application from a student or a parent of a student, excuse a student from attendance at school, and may attach conditions to permission to be excused” (s. 23(1)). The penalties for not adhering to that parental responsibility are also delineated, but without defining the expectations that the act attaches to “reasonable steps”:

If a child is required to attend school pursuant to this Act and the parent neglects or refuses to take reasonable steps to cause the child to attend school, the parent is guilty of an offence and is liable to a fine of not more than \$100.00 and each day's continuance of such failure or neglect shall constitute a separate offence” (s. 27(1)).

However, a judge “may, instead of imposing a fine, require the parent convicted of an offence to give a bond or other security that the parent cause the child to attend school as required by the Act” (s. 27(4)).

The process of suspension or dismissal of a student by reason of unacceptable behaviour is also addressed in the legislation:

“A Principal may dismiss a student for a period not exceeding two school days for any breach by the student of the duties specified in Section 38 (“Student Rights and Responsibilities”). When a student has been dismissed, the Principal shall (a) make every effort possible to inform the parents of the student the reason for the dismissal, and (b) meet as soon as possible with the student and the parents of the student to review the circumstances surrounding the dismissal and to determine appropriate corrective action” (s. 40(1-2)).

The appeal process for such disciplinary action is outlined:

“A student or a parent of a student may appeal within 14 days of receipt of a suspension decision by a School Board, Council or Superintendent to the Education Appeal Tribunal established pursuant to this Act” (s. 41(7)).

Further, the Education Appeal Tribunal has the responsibility and powers to rule on any disciplinary action taken or not taken by a school or district administration.

Religion/Culture/Values

The integral role of education in the support and perpetuation of the cultural and linguistic heritage of the Yukon is elaborated in the Preamble to the Act. There is stipulation that the curriculum must include the cultural and linguistic heritage of Yukon aboriginal people and the multicultural heritage of Canada. There is also an assertion that the “rights and privileges enjoyed by minorities as enshrined in the law” will be respected. Special mention is also made of the inclusion in the curriculum of building an understanding of all “Yukon First Nations and their changing role in contemporary society” (s. 4(g)).

Language

As mentioned under Religion/Culture/Values, the linguistic heritage of the Yukon aboriginal people is preserved and assured via the school curriculum. Within the school program, students will acquire “knowledge of at least one

language other than English” (4(a) (iv)) and an “understanding of the history, language, cultural rights and values of the Yukon First Nations” (4(g)).

Choice

There is a single reference to parental choice in the type of schooling available to children: “Subject to the provisions of this Act, parents may choose home schooling, private schooling or public schooling for their children” (s. 19). The parameters regarding the choice to home school are, however, well-defined:

“A parent of a student may provide, at home, a home education program for the student if the parent complies with this section and if the program meets the goals and objectives outlined in the Act” (s. 31(1)).

“An educational plan for each student who is receiving home education shall be prepared and provided to the Minister” subject to the conditions that the plan be submitted prior to the commencement of the program; that the plan should be for a minimum period of 3 school years; that the plan include a description of the learning activities for the student “ (s. 31(3)).

A variety of supports for home schooling is provided for in the Act. For example, subject to any relevant regulations, the parent of a home education student may request that tests be administered; the student may attend courses offered by the Minister or a School Board; the parent may receive educational resources - materials and use of school facilities and equipment; the Minister may provide for the assessment of student achievement on a regular basis and for the development of recommendations to assist the student to improve the level of achievement (s. 31(4-7)). These permissive legislative provisions indicate that the government of the Yukon supports, rather than discourages, parents in their decision to home school their children.

Participation

Provision is made in the Act for School Committees. The role of the school committee is strictly advisory to the school administration on any matter relating to the school, but it may respond to "any duty or function referred to it by the Minister" (s. 112 (2)).

Access to Information

In terms of access to information, observation and participation, Yukon parents are entitled:

- (a) to be informed of the progress, behaviour and attendance of their children,
- (b) upon reasonable notice to the principal and teacher, to observe the instruction of their children if the parental visitation does not impede the instruction of other children,
- (c) to appeal decisions that significantly affect the education, health, or safety of their children and,
- (d) to be consulted in the development of any specialized educational programs prepared for their children" (s.18(1a-d)).

Although the request for access to information generally originates from the parent, there are times when the consultation between home and school will be mandatory to assist the functioning of the school. For example, "A parent of a student attending a school may, and at the request of a teacher or principal shall consult with the teacher or principal with respect to the student's educational program" (s. 18(2)).

Student records are not only made available to parents, or students who are 16 years of age or older, but also records may be examined and copied (s. 10(2)). Challenge is provided for, in that "If, on examining a student record, a person is of the opinion that the student record contains inaccurate or incomplete information, that person may request the school administration to rectify the record" (s. 20(5)).

Quality Assurance

The Yukon Education Act clearly sets forth the goals and objectives for education in the territory. The mission statement is both far-ranging and topical. Quality assurance is built in through a series of benchmark purposes of the educational system:

- (a) to encourage the development of the students' basic skills including
 - (i) the skills of literacy, listening, speaking, reading, writing, numeracy, mathematics, analysis, problem solving, information processing, computing,
 - (ii) critical and creative thinking skills for today's world,
 - (iii) an understanding of the role of science and technology in society, together with scientific and technological skills,
 - (iv) knowledge of at least one language other than English,
 - (v) appreciation and understanding of creative arts,
 - (vi) the physical development and personal health and fitness of students, and
 - (vii) the creative use of leisure time;
- (b) to develop self-worth through a positive educational environment;
- (c) to promote the importance of family and community;
- (d) to provide opportunities to reach maximum potential;
- (e) to promote the recognition of equality among Yukon peoples consistent with the Canadian Charter of Rights and Freedoms and the Human Rights Act;
- (f) to develop an understanding of the historical and contemporary role of women and the reinforcement of the principle of gender equality and the contribution of women to society;
- (g) to increase awareness and appreciation of the Yukon's natural environment;
- (h) to develop an understanding of the historical and contemporary role of labour and business in society, and
- (i) to prepare for participation in a Yukon, Canadian and global society (s. 4 a-j).

NORTHWEST TERRITORIES

In September 1990, Northwest Territories Education developed a document entitled "Help Improve The Education Act" to stimulate public discussion and provide new perspectives on education and its future role in the territory. The Education Act (1990) of the Northwest Territories reflects that government's desire to see education become more responsive to the beliefs, customs and priorities of the populace.

Custody

For the purposes of the Education Act, a "parent" "includes guardian or other person having charge of a child" and a "child" is "a person who, on the thirty-first day of December of an academic year, is between the ages of six and fifteen years inclusive" (s. 96 (1)). The most extensive reference to parents in the Act is in terms of their responsibilities to ensure the attendance of their students at school. Section 96 charges every parent with the responsibility to "cause a child to attend school during the academic year in which the child is resident in an education district ... or division, in which a school is operating" (s. 96 (3.1)). In cases where a child is absent for a period of time, there is no process mandated for the school principal to contact or consult with the parent regarding the reasons for the absences or the interventions that might be considered to prevent recurrences of the absenteeism:

Where a child is absent for a total of four days in any month and the principal is of the opinion that the absences are avoidable or not justified, he shall report, in writing, the absences of the child to the local education authority and a school counsellor (s. 98.2(1)).

The Act does allow for exemptions from compulsory attendance that reflect an appreciation of aboriginal culture, values and activities. A child is not required to attend school where “the principal of the school, after consultation with the parent, has excused the child from attending school for such period as he may direct in order to allow the child to participate in traditional native activities on the land or other learning experiences away from the community” (s. 96(3d)).

There is no mention in the Act of sanctions that might be taken as a result of specific student misbehaviour, violence or other unacceptable action and so parental involvement in such matters is not addressed legislatively.

Religion, Culture, Values

There is, in the Act, specific recognition of the need to include ethnic and cultural variation in the educational program and curriculum. For example, “In planning the school program for an education district, the school principals of the district and the Superintendent for that district or division... shall be guided by the wishes of the voters of the district as expressed by the local education authority or the community education council” (s. 57(2)). This clause does not, however, distinguish among the different types of “voters” or attempt to isolate the “wishes” of parents as opposed to the wishes of the larger community.

Section 57(2) mandates the integration of local customs and values into the more generic or universal curriculum:

The school staff shall utilize aspects of the local cultures in the curriculum, curriculum material, and teaching methods of the schools and the principal shall consult with and be guided by the local education authority or community education council, as the case may be, in planning such utilization.

The attention to local customs and values is extended to and ensured by,

the hiring practices of the educational system and the perpetuation of local history, values and beliefs is assured through this directive:

The persons responsible for selecting professional and non-professional staff for the education system of the Territories shall endeavour to achieve and maintain in the staff in every education district, a representation of ethnic and cultural backgrounds that reflects the ethnic and cultural variations of the population of the district, to the extent that qualified personnel are available (s. 58).

This attention to cultural and ethnic (although not gender) equity in education hiring is a more vigorous approach to affirmative action than is found in the legislation of any other province or territory.

Religious exercises or the daily recitation of the Lord's Prayer in a school are decisions left to the local education authority. Students can opt-out through a written request from parents/guardians. Provision is made for the offering of religious instruction :

Where at least fifty per cent of the students or parents of students of the same religious denomination present the principal with a request that they have religious instruction in the school, the principal shall organize and schedule a program of religious education (s. 60(s)).

Parents, then, do have the right to access religious instruction for their children within the context of the school, but only if they comprise the majority (50% or more) of same-religion parents in the school.

Language

Despite the fact that the Northwest Territories comprises a polyglot of ethnic backgrounds, no specific assurance is contained within the Education Act that native or minority languages will be nurtured or protected. It may be assumed that, in the hiring of professional and support staff from a wide variety of ethnic

backgrounds, the potential is there for instruction/conversation in a number of heritage languages.

Choice

Parents are involved in the choice of school for their children only insofar as they are able to bring their concerns or requests to the attention of the Superintendent. The assignment of a student to a particular school is the decision of the Superintendent:

The Superintendent may assign students to schools in the education district and, where a student has reached an educational level beyond that offered in the education district, the Superintendent may, after consulting the student and his parent or guardian and attempting to comply with their wishes, assign that student to a school in the Territories that provides a suitable program (s. 6).

There is no guarantee for parents that the Superintendent will respond to their requests regarding school and/or placement of their student, beyond an "attempt to comply" with their wishes. No appeal process for parental concerns about student placement is identified.

Participation

Provision is made in the Education Act to establish Community Education Committees at the school level. The composition, reporting structure and duties of the Community Education Committee are spelled out in the legislation. As described in Section 8, the Community Education Committee comprises four elected members; one member appointed by the municipal council in the education district, from among the members of the municipal council; additional elected members (not exceeding four) as determined after consulting with the voters of the education district at a general meeting; and such ex-officio members as the Act may require. For example, every Principal is an ex-officio

member of the committee who must report to the committee on the progress of education programs and plans for future programming but does not have a vote. It is the responsibility of the Principal, in co-operation with the committee, to prepare an annual budget proposal and forward the proposal to the Superintendent.

The duties of the Community Education Committee, as outlined in Section 16, include discussion of all programming, presenting a yearly report, asking for suggestions of the voters on education matters, reviewing facility construction proposals, advising the Superintendent, advising on staff appointments to student residences, advising regarding the opening and closing dates for schools and the observance of special holidays and related matters. However, what is not clear is what the role of the 'parent' is on the committee, as opposed to the role of the voter or resident.

Access to Information

There is no mention in the legislation of parental rights regarding access to information via student files, teacher interviews, or report cards nor is there a procedure identified for due process or appeal. No consultative process is established for parents in seeking information, rather, the process contained in the legislation is informational and arbitrary as witnessed in the manner of dealing with student absences (s. 98.2 (1)).

Quality Assurance

There is no mention in the Act of measurements of student achievement or student performance. The issues of curriculum, textbooks, materials and basic skills are not addressed, except for the requirement to include "aspects of the

local cultures" (s. 57(2)) within the curriculum design and delivery. The notions of parental involvement in decision-making regarding student placement, retention and promotion are not included.

BRITISH COLUMBIA

The British Columbia Manual of School Law (1991) followed a series of province-wide discussions launched by A Legacy for Learners, the 1988 Report of the Royal Commission on Education. Based on over 6,000 submissions/reports from individual parents and parent lobby groups, the Royal Commission discovered

...the desire of parents to be involved in schooling and to assume responsible, assisting and advisory roles in education. There is a natural interest and a natural wish to be involved, not necessarily in active governance positions, but in advisory capacities to school authorities and school districts. Parents generally believe - a belief to which this Commission subscribes - that parent-teacher co-operation, and mutual understanding between a child's home and school, will result in a superior learning environment for that child. Moreover, parents rightfully feel they are entitled to full and accurate information about not only their own child's progress, but also about the goals and policies of their school and school district - as well as an advocacy role or voice when they so desire.

...the Commission believes strongly in the value of elected consultative committees of parents who are closely associated with schools and who meet regularly to discuss all aspects of school policies and procedures and who offer advice to school principals and staffs, and, through them, to school boards (pp. 187-188).

The Royal Commission cautioned, however, that although parents may have compelling and personal reasons to want a voice in the governance of schools, there are other voices in the community that share that right.

... education must compete for its share of public spending and ... it remains heavily reliant on the support of people without children in schools, a group that now comprises approximately 70% of all taxpayers. The participation of such people on consultative school and district committees will help inform the community at large about the importance of schooling and its need for continuing and sustained support" (p. 188).

The Commission went on to recommend that each school district in the province adopt policies and procedures to provide for a designated role for parents and other community members through membership on parent-community advisory committees at the district level and at each school within the district. The work of the Royal Commission provided a strong foundation for the development of the British Columbia Manual of School Law (1991). That manual contains a section (Division 2 - Parents) that is an overview of several legislated entitlements and responsibilities of parents.

Custody

The British Columbia Manual of School law defines "parent" as: the guardian of the person of the student or child, the person legally entitled to custody of the student or child or the person who usually has the care and control (s. 1 (1)).

A parent is entitled to enrol a student on the first school day of September if the child will have attained the age of five years on or before December 31 of that school year. However, a parent may decide to 'defer' the enrolment of his or her child until the first day of September of the next school year (s. 3 (1) (a)

and s. 3 (2)). Every student is entitled to participate in an educational program provided by a board until he or she attains the age of 16 years.

As custodians, the parents share a liability for any damage to school property by their students. "If property of a board is destroyed, damaged, lost or converted by the intentional or negligent act of a student, the student and the student's parents are jointly and severally liable to the board in respect to the act of the student" (s. 10). However, there is no mention in the Manual of the consequences or parental responsibility for other student misbehaviours or actions, for example racist or violent behaviour displayed by a student.

Religion/Culture/Values

It is puzzling that, in a multicultural province like British Columbia, there is no designated section or explicit mention within the legislation of parental rights in the areas of religion, culture and values.

Language

Parents are assured that "every student is entitled to receive an educational program that is provided in the English language" (s. 5 (1)). In addition, "Students whose parents have the right under section 23 of the Canadian Charter of Rights and Freedoms to have their children receive instruction in a language other than English are entitled to receive that instruction" (s. 5 (2)). Further accommodation in the area of language may be made via Ministerial approval: "Subject to the approval of the minister, a board may permit an educational program to be provided in a language other than as provided under subsections (1) and (2)" (s. 5 (3)).

Choice

The legislation is permissive in that parental choice of home, private or

public schooling is accommodated. Section 12 sets out some of the parameters for homeschooling:

A parent of a child who is required to enrol in an educational program provided by a board under section 3 may educate the child at home or elsewhere in accordance with this Division and shall provide that child with an educational program (s. 12).

Other options are confirmed in Section 13:

A parent of a child who is required under section 12 to provide the child with an educational program shall register the child on or before September 30 in each year with:

- a) a school of the parent's choice that is operating in the school district in which the parent resides
- b) a regional correspondence school providing services to the school district in which the parent resides or with the minister if no regional correspondence school provides services to that district, or
- c) an independent school operating in British Columbia (s. 13).

Notably, s.13 (a) means that within the individual school districts in British Columbia, the boundaries separating schools are transparent and allow full parental choice of the school site for their children.

Participation

Legislative provision is made for the establishment of Parents' Advisory Councils; however, the initiative must come from the parents themselves, and there can be no more than one parents' council for each school:

- (1) Parents of students attending a school or a Provincial school may apply to the board or the minister, as the case may be, to establish a parents' advisory council for that school.
- (2) On receipt of an application under subsection (1), the board or minister shall establish a parents' advisory council for the school or the Provincial school as the case may be.
- (3) There shall be only one parents' advisory council for each school or Provincial school.
- (4) A parents' advisory council, through its elected officers may advise

the board and the principal and staff of the school, or the Provincial school, respecting any matter relating to the school or the Provincial school.

- (5) A parents' advisory council, in consultation with the principal, shall make bylaws governing its meetings and business and conduct of its affairs, including bylaws governing the dissolution of the council (s. 8(1-5)).

Parents, therefore, are under no obligation to initiate a Parents' Advisory Council in the school, and likewise, the Board is not required to establish a Council unless specifically requested by parents to do so. The legislation provides for school boards to establish committees with specific functions and duties and such a committee might be a district advisory council "comprised of persons representing parents' advisory councils and other organisations in the community" (s. 85 (2 b)). Section 185 provides for a District Advisory Council with parent and community membership, but such councils are not mandatory, but may be established at the Board's discretion. However, there is no description in the legislation of their functions, powers or relationships with School Boards and Parents' Advisory Councils.

Access to Information

A parent is entitled under the legislation to be informed of the student's attendance, behaviour, and progress in school and, on request, to annual "reports respecting general effectiveness of educational programs in the school district" (s. 7(1) (a and b)). This annual report, prepared by the school board, must be submitted to the Minister, by December 31 of each year, and must be "made available" to residents of the school district and to parents of students attending schools in the district. There is no requirement or direction as to how the annual report is to be made accessible to the community. Examination of

student records is an entitlement of both student and parent. Under Section 9, a student and/or parent may examine all student records kept by a board, pertaining to the student, while accompanied by the principal or a person designated by the principal to interpret the records.

An appeal process is established to allow students/parents to appeal a disciplinary or evaluation decision of the school board. Section II provides:

- (2) Where a decision of an employee of a board significantly affects the education, health or safety of a student, the parent of the student or the student, may within a reasonable time from the date that the parent or student was informed of the decision, appeal that decision to the board.
- (3) For the purposes of hearing appeals under this section, a board shall, by bylaw, establish an appeal procedure.
- (4) A board may refuse to hear an appeal under this section unless the appellant discusses the decision under appeal with one or more persons as directed by the board.
- (5) A board may establish one or more committees for the purpose of investigating appeals under this section.
- (6) A board may make any decision that it considers appropriate in respect of the matter that is appealed to it under this section, and the decision of the board is final.
- (7) A board shall make a decision under this section as soon as practicable after receiving an appeal and shall promptly report that decision to the person making the appeal (s. 11(2-7)).

No further appeal mechanism is described to address the issue of an appeal of the Board's decision.

Quality Assurance

There is no mention in the British Columbia Manual of School Law regarding parental rights in the areas of student placement (other than to appeal school-based promotion/retention as it would relate to the appeal process in Section II above), curriculum, textbooks/materials, standards, gifted education or basic skills.

ALBERTA

The Province of Alberta School Act was consolidated in July, 1990. Although parents are mentioned in the Preamble, their roles/responsibilities/rights are never spelled out in the Act. The lengthiest reference to parents in the legislation is the definition that clarifies who they are.

Custody

The Preamble of the School Act acknowledges that "parents have a right and a responsibility to make decisions respecting the education of their children" (p. 7). For the purposes of the Act, the parent is defined as: "the biological parent, or, if the student is an adopted child, the adoptive parent," or "the individual who has care and custody of a student," for example, under a court order or written agreement (s. 2 (a,b,c,d)).

The Preamble also distinguishes among and characterizes "parents" under the potential varieties of guardianship established (either temporarily or permanently) under the Child Welfare Act, the Domestic Relations Act, an order of the court, or appointed as a result of the student's being in custody under the Corrections Act, the Penitentiary Act (Canada) or the Young Offenders' Act. The definition of "parent", however, deals only with the legalities of the guardianship, and does not define the relationship in terms of rights or responsibilities. The truancy of a student may be referred by the school division to an Attendance Board. A hearing will be afforded to the student and his/her parents before the Attendance Board and the Board's ruling is final.

The parent's rights and responsibilities, in terms of student misbehaviour

resulting in suspension from school, are spelled out in Section 19:

When a principal suspends a student, the principal shall (a) forthwith inform the student's parent of the suspension, and (b) report in writing to the student's parent all the circumstances respecting the suspension (s. 19 (3)).

In the case of expulsion:

If a student is expelled, the board shall notify, in writing, the parent, and, in the case of a student who is 16 years of age or older, the student, of their right to request that the Minister review the matter (s. 19 (8)).

The Minister becomes, therefore, the appeal mechanism by which parents may appeal a board's decision to expell their student from one or all of the schools in a particular school division.

Religion/Culture/Values

The Alberta School Act makes no reference to the rights and responsibilities of parents in the determination of the multicultural or religious education of their children. There is a brief, general clause in the Preamble regarding common values: "Whereas the education community in making decisions should consider the diverse nature and heritage of society in Alberta within the context of its common values and beliefs" (p. 7). This clause would appear to devolve responsibility for decision-making regarding religious or cultural education onto the shoulders of educators, without reference to consultation with parents.

Language

Alberta has been a leader in the introduction of heritage languages within its public school system, and yet, there is no mention of the philosophical underpinnings or legal entitlements of parents in the area of minority language education.

Choice

The School Act provides for limited parental choice in determining the school division or district that the student will attend. For example:

If both parents have care and custody of a student and each parent is a resident of a different school district or division.....

- (a) the parents shall choose in writing one of the school districts or division,
- (b) the student is a resident student of the board of the chosen district or divisions,
- (c) the student shall attend the school he is directed to attend by the board of the chosen district or division, and
- (d) either board may require that the choice of the parents under clause (a) shall remain in effect during the school year in respect of which it is made (27 (7)).

Should a board feel that it is unable to provide a program to meet the particular needs of a student requiring specialized instruction or interventions by virtue of his/her disability, the Act provides for a Special Needs Tribunal. This tribunal can rule on a board's ability or inability to provide an appropriate educational program for a student with special needs. The Minister is the appeal route for any decision made by the Special Needs Tribunal.

Home Schooling is provided for, as an educational choice available to parents. Under Section 23, "a parent of a student may provide, at home or elsewhere, a home education program for the student if the program (a) meets the requirements of the regulations, and (b) is under the supervision of a board." The last stipulation of the clause is problematic for school divisions, since it places onus on the board (from which the student may have been withdrawn as a result of parental dissatisfaction) to provide monitoring of a student's performance, for a student not technically within its jurisdiction.

Participation

The Alberta School Act is permissive in its approach to the establishment of a parent advisory committee:

Section 17 stipulates:

- (1) The parents of students attending a school may establish a school council for that school.
- (2) The majority of the members of the school council of a school must be parents of students attending that school.
- (3) A school council may (a) advise the principal of the school and the board respecting any matter relating to the school, and (b) perform any duty or function delegated to it by the board under section 45 in accordance with the delegation.
- (4) The parents of students attending a school may dissolve the school council of that school in accordance with rules made under this section respecting the dissolution of the school council.
- (5) The board shall make rules respecting the establishment of a school council, the election of members and the dissolution of the school council.
- (6) A school council may, subject to any rules made under this section, make by-laws governing its meetings and the business and conduct of its affairs.

The activities and actions of the School Council are, therefore, highly discretionary but its existence or dissolution depends on the rules established by the school board.

Access to Information

Under the School Act, parents are permitted access to student records under certain conditions: "If a student is younger than 16 years of age, his parent, or, if a student is 16 years of age or older, the student, his parent, or both of them, or, if an individual has access to the student under an order made under the Divorce Act (Canada)" (s. 18 (2)). Where the student record contains a test, a test result or an evaluation of the student, the parent is entitled to review the test information and receive from a person who is competent in the particular testing

procedures, an explanation or interpretation of the information. It is the responsibility of the school board to ensure that a qualified individual is available to interpret the results "as soon as practicable after it receives a request" (s. 18(5)) from an individual to review a record. If, on examining a student record, a person is of the opinion that the student record contains inaccurate or incomplete information, that person may request the board to rectify the matter. There is, however, no requirement for the board to respond to requests for changes/additions or deletions that are not founded on discernible fact.

An appeal mechanism is provided in the School Act for parents who feel that the school board has still, on appeal, made an inappropriate decision regarding a student's placement, suspension, expulsion, fees/costs. The parent of a student affected by the decision (or the student if he is over 16 years of age) may request in writing that the Minister review the decision of the board.

Quality Assurance

With the exception of the identification of the appeal process mentioned above, there is no attention paid in the School Act to parental rights in the areas of curriculum, textbooks/materials, standards/promotion/retention, gifted education and/or basic skills.

SASKATCHEWAN

The Education Act, consolidated September 1, 1990, regulates elementary, secondary and post-secondary education in the province. As is the case in many other provinces, at the time of this writing there is considerable discussion

in Saskatchewan regarding the governance of the school system and the involvement of parents within that system. In August, 1990, the Langlois-Scharf report was commissioned by the Minister of Education for the province of Saskatchewan. The terms of reference for the study included a review of issues related to the distribution of funds to school divisions, taxation in support of K-12 education, capital requirements in school divisions, and the organization and governance of school divisions. Among the numerous recommendations contained in the 1991 Final Report were the following, concerning parent participation:

G-8 - That a school council for each school be established within each Larger School Division with membership on the council consisting of the principal and members elected from among the parents and teachers by the parents and teachers respectively (p. 233).

The duties and responsibilities of the school council were to be primarily advisory to the principal and school board, particularly with respect to religious education; language of instruction; school budget; school level initiatives, and any issue referred to it by the board.

In 1993, the Final Report of the Task Force on Educational Governance, commissioned by the Saskatchewan School Trustees Association, responded to the Langlois-Scharf report and focussed on the controversial area of school governance. Its fifteen recommendations for educational change "strive for the highest ideals while acknowledging the great economic, social and geographic diversity and distinct circumstances for education within this province" (p.2). The Report recognized that parents "want a voice in decision-making about educational programs and services and are no longer content to be passive recipients of information provided by the school" (p.6).

To provide greater parental input in local decision-making, the Task Force recommended that local governance structures be established that would be "school level, elected, universal (the same in urban and rural areas), responsible for the same minimum core of responsibilities across the province; concerned with higher order activities such as goal setting and school improvement; and advisory" (p. 22). The Task Force stopped short, however, of identifying specific duties, composition and terms of members.

Custody

The Saskatchewan Education Act does not define "parent" but does define "guardian" as:

a person who is not the natural parent of a child and who has been made responsible for the care of that child and includes

- (i) any person who has lawfully and formally received into his home another person's child who is of compulsory school age and who resides with him or is in his care or custody for the time being or until the child reaches the age of majority; and
- (ii) a person appointed or recognized as a guardian of a child under "The Family Services Act" (s. 2r).

The right to attend school is extended to

....every person between the ages of six and 21 years....in the division in which he or his parents or guardian are residents, and to receive instruction appropriate to his age and level of educational achievement in courses of instruction approved by the board of education in the school or schools of the division or, subject to the stated policies, requirements and conditions of the board, in schools or institutions outside the division....(s. 144 (1)).

Certain responsibilities of the student are outlined as conditions for his/her continued attendance:

...in the exercise of his rights of access to the schools of the division, every pupil shall ...attend school regularly,... provide himself with supplies, ... observe standards of cleanliness,... be diligent in his studies,... conform to

the rules of the school... and ... submit to such discipline as would be exercised by a kind, firm and judicious parent (s. 149).

In addition, parents are responsible for taking "all steps necessary to ensure regular attendance "of any student of compulsory school age" (s. 155 (1)). A parent or guardian who neglects that duty and responsibility, is guilty of an offence and liable on summary conviction to a fine of not more than \$100.00 (s. 155 (2)). However, there are exemptions from regular school attendance for certain reasons including home schooling, independent school, illness, distance, suspension, quarantines under the Public Health Act, holy days, medical treatment, extended travel, and, in general, "where attendance is detrimental to the pupil" (s. 156).

The Act also provides for the appointment in every board of a local attendance counsellor and lists as one of the officer's duties the "reasonable effort to elicit the co-operation of the pupil and his parents or guardian in the solution of attendance problems of that pupil" (s. 161). In addition, the counsellor "shall solicit the advice and assistance of the teachers, principal, guidance officer and other consultants who may be available within the school division and from other relevant social agencies, and shall include the parents or guardians of the pupil in consultations directed toward diagnosis and solution of the problem" (s. 161).

The format of parental information/consultation is continued as the principal, in determining what further action should be taken regarding a student attendance difficulty, must ensure that "the parents/guardian of the pupil and the pupil concerned are informed, consulted and given reasonable opportunity for

making representations on behalf of the pupil" (s. 162 (5)).

The custodial aspect of student behaviour and subsequent school discipline is examined at some length in the legislation. The process described in the act is uncharacteristically consultative, especially concerning parent participation in the investigation:

- (1) Where, in the opinion of the principal and his staff:
 - (a) a pupil fails to respond to his duties or
 - (b) a situation has developed with respect to a pupil's attendance, studies, deportment, personal relationships in the school or attitudes toward the school;....the principal may refer the matter to a committee composed of staff members and consultants for study, diagnosis and any investigation that may contribute to the correction of the problem.
- (2) Where a referral is made.....
the parent or guardian of the pupil shall be immediately informed by the principal of the circumstances and shall have an opportunity for consultation with the committee in any study or investigation conducted under that subsection (s. 152).

When the student's misbehaviour is such that the principal must suspend the student, "the principal immediately reports the circumstances of the suspension and the action taken to the parent or guardian" (s. 153 (1)). If a suspension or expulsion is decided on by the principal, on the request of either the pupil or his parent or guardian, a hearing may be granted (s. 153 (2)). The process then calls for the Superintendent or Director of Education, before the expiration of the suspension, to consult with the principal (and any others as required), and, after granting a hearing to the pupil and his/her parent or guardian, confirm, modify or remove the suspension. The superintendent must then immediately submit a written report to the board regarding the circumstances of the suspension. The board has the option of investigating the circumstances of the suspension and

confirming it or concluding it. The board has the authority to suspend the pupil from all or any schools in the division for a period not greater than one year. The pupil and his/her parent or guardian must be given notice of every investigation conducted by the board or its administration, and afforded an opportunity to appear and make representations before the board.

An appeal process in legislation, permits a pupil who has been expelled, or his parent/guardian, after the expiration of one year, to request a review and reconsideration by the board of the status of the pupil. The board may, in its discretion, rescind the resolution expelling that pupil and admit him to a school under such conditions as it may see fit to prescribe (s. 154 (2)). There is, however, a "notwithstanding" clause (s. 154), that permits a board, by resolution, to exclude a pupil from attendance at any or all schools in the division for a period greater than one year where, in the opinion of the board, it is appropriate, based on an investigation, a unanimous report of the board committee or by striking out the limiting wording in subsection 153 (2).

Religion/Culture/Values

Section 22.2 of the Education Act allows for the establishment of a separate school division when a minority of the electors, whether Protestant or Roman Catholic, petition for such a division. The process allows for as few as 3 electors to establish an organizing committee, draw up a petition to go to the Minister, plan the new school division boundaries, identify the electors who are of the same religious faith and reside in the proposed division and submit the above petition to the Minister of Education. A series of public meetings, newspaper notices and poll of the qualified electors must precede the Minister's decision regarding the establishment of the separate school division.

An election of members of the school board follows the Minister's order to establish the new division. When the separate division is established, a property owner within the area is assessed with respect to his property as (a) in the case of a member of the minority religious faith, as a supporter of the separate school division or (b) in any other case, as a supporter of the public school division. The Saskatchewan legislation is extremely accommodating of religious differences in terms of allowing for the establishment of separate religious school divisions for those parents who feel that the existing public school system does not meet their needs.

Religious instruction is provided for in the legislation (s. 181 (1)) as authorized by the board of trustees, but it may not exceed two and one-half hours per week of instruction. The religious instruction may be delivered in a language other than English.

An opt-out clause is provided for a student (with the written consent of the parent) who does not wish to participate in courses of religious instruction authorized by the school. There is a requirement, however, that the student be provided with "suitable alternative studies appropriate to the instructional program of his grade or year" (s. 181 (3)).

Language

Section 180 of the Education Act entitles a pupil, at the request of his parent or guardian, to attend a designated school in which French is the principal language of instruction. An opt-out clause (s. 180 (5)) is included to allow a parent to withdraw his/her student from a program or class where the language of instruction is other than English. In that situation, the pupil must be provided with suitable alternative studies.

Choice

In one respect, the parents of students in high school are entitled to greater choice than those whose children are in elementary schools in Saskatchewan: "...parents or guardians who resided in cities in which both a separate high school district and a public high school district existed, had the right to enrol their children in either the public high school system or the separate high school system" (s. 144.1). At the elementary level, the religious faith of the parents determined which system, public or separate, their children were entitled to attend.

Parents of high school students must sign a declaration of intention, prior to June 1 in any year, indicating the high school to which they intend to send their student. When such a declaration of intention is signed and the student attends either a public or separate high school, it is incumbent on the pupil to "abide by all policies of the board of education of the school division....including any policies relating to religious instruction, religious activities and other programs conducted by the high school" (s. 144.5).

Parents of students who must travel outside of the school division to attend an educational program, must be reimbursed "any sum that the board may determine in lieu of the cost of transportation" (s. 92w). By this provision, it would appear that the financial burden of out-of-division schooling is minimized, to the advantage of the parent.

Participation

The Education Act of Saskatchewan permits the establishment of Local School Advisory Committees under Section 137:

...the board of education may establish a local school advisory committee with respect to:

- (a) each or any of the operating schools in the division
- (b) any combination of two or more operating schools in the division

(c) all of the operating schools in the division”

“The board shall provide in its by-laws for the establishment of local school advisory committees and may prescribe:

- (a) the conditions under which a local school advisory committee may be established
- (b) the procedures required prior to the establishment of a local school advisory committee
- (c) the composition of a local school advisory committee, its organizational structure and procedures for the maintenance of its membership
- (d) the terms of reference of a local school advisory committee with respect to its functions and relationships with the electors, the teaching staff and the board of education.

In addition, Section 138 provides for the electors of any school district to petition the board of education and request the establishment of a local school advisory committee. The board, however, is not obliged to approve their request.

In Saskatchewan, the local school advisory committees act in an advisory capacity to the board of education. Subject to the approval of the board, the committee may undertake such duties as:

- (a) liaison with the teaching staff of the school or schools in any matter pertaining to the educational welfare of the pupils;
- (b) studies of the educational objectives and programs of the school or schools in relation to the aspirations of the community;
- (c) promotion of school-community and parent-teacher communications;
- (d) participation with the board of education in activities pertaining to future planning and development of educational services in the district or the division;
- (e) participation in special projects, experiments and innovative practice sponsored by or approved by the board of education;
- (f) recommendations with respect to selection and placement of teaching staff (s. 142).

This last duty - a parental role in the selection and transfer of staff - is a contentious one, jealously guarded by senior administration in school divisions as an exclusive responsibility of management. The possibility of parental

involvement in the “placement of teaching staffs”, extends the parental role from an advisory to a management function, where such a role is authorized by the school board.

Access to Information

Section 146 deals with the access to student records “under any conditions that may be prescribed by the board of education, to:

- (a) a pupil who requests access and whose parent or guardian is in attendance when access is granted
- (b) a pupil who is 16 or more years of age and who is living independently of a parent or guardian
- (c) a parent or guardian of a pupil where the pupil is dependent on the parent or guardian.

Where a difference or conflict arises in the relationship of a pupil to the school, the parent or guardian, on behalf of that pupil, shall be entitled to immediate access to procedures established by the board for the purposes of investigation and mediation of such differences or conflicts.

Therefore, whenever a conflict arises between the school division and the parents, there is a mechanism in place to ensure that the information that informs the discussion is accurate and that the student’s perspective has been fully represented.

Under the Functions and Duties of Teachers (s. 227), only one of the 17 functions mentions a responsibility to parents, ie. that teachers report regularly, in accordance with policies of the school approved by the board of education, to the parent or guardian of each pupil with respect to his progress and any circumstances or conditions which may be of mutual interest or concern to the teacher and parent.

Quality Assurance

Under the Saskatchewan Education Act, parents are assured that their child

will receive "a program of instruction consistent with his educational needs and abilities" (s. 178 (1)). Saskatchewan is the only province to include recognition and access to gifted education in its legislation "where a teacher or a parent or guardian considers that the ordinary program of instruction is insufficient to employ the superior capabilities, talents and interests of a pupil, the teacher or parent or guardian may confer with the principal with a view to such action as the principal may consider appropriate, including referral to the director or superintendent for further study and evaluation" (s. 178 (c)). Following that referral, the Superintendent may initiate further study, evaluation or diagnosis, and, on the basis of those results, make program decisions for the gifted student, based on such investigation and recommendations.

In the area of programming for students with special needs, the legislation states that "every pupil shall be provided, insofar as is practicable within the policies and programs authorized by the board of education with a program of instruction consistent with his educational needs and abilities" (s. 178(1)). The exceptions to this clause are those students for whom the principal or the parents, feel that the "disability, handicap or other disabling personal attributes render the students unable to profit from the instruction ordinarily provided" (s. 178 (1b)). In that case, referral is made to the Superintendent for "study and evaluation".

Section 184 deals with the inclusion in school programs of students with special needs. Determination of whether or not the student is "incapable of responding to instruction in that program or whose presence is detrimental to the education and welfare of other pupils in attendance," rests with the Superintendent and may result in the student's exclusion from a certain

program. However, no such exclusion "shall deprive a pupil of access to alternative educational services provided by boards of education", or, if the Superintendent feels the student is so "disabled as to be unable to benefit from any of the instructional services provided by the board", the Superintendent may, after consultation with the parents/guardian, arrange "other services appropriate to the needs and circumstances" of the pupil. Parental involvement/consent is a requirement for "all diagnostic and investigative procedures which precede a recommendation or decision with respect to placement" (s. 184(1-6)).

MANITOBA

At the present time, the Manitoba Education Administration Act (1990) and The Public Schools Act (1980) are under review. The government committee drafting the new legislation is considering each of the 106 recommendations presented to the Minister of Education and Training in the Report of the Panel on Education Legislation Reform (1993). In addition, the anticipated release of the report of the Boundaries Review Commission in January, 1995, may have a major impact on the legislation in relation to school governance in Manitoba. In July, 1994, the Minister of Education and Training released a document Renewing Education: New Directions - A Blueprint for Action - that "describes the key actions that our government will take towards the renewal of our educational system" (p. 2).

The document identifies six "priority areas" for renewal - Essential Learning, Educational Standards and Evaluation, School Effectiveness, Parental and Community Involvement, Distance Education and Technology and Teacher Education.

A companion document - Guidelines: Advisory Councils for School Leadership - was released in November, 1994, and provides more detail regarding the establishment and operation of the councils. The 'New Direction' of the government would require schools "to establish Advisory Councils for School Leadership, as requested by ten or more parents, comprising parents and community members, and to include the Councils in developing school plans and divisional/school budgets" (p. 1).

The roles and responsibilities of the Advisory Council are eight-fold:

1. To advise the principal on school matters as they pertain to school improvement, policies, organization and activities, including the following: curriculum and programs, cultural and extra-curricular activities, student discipline and behaviour management policies, community access to school facilities, transportation, fund-raising, school closures.
2. To provide recommendations to the school board with respect to the process of hiring and assigning principals.
3. To participate in the development of the annual school plan.
4. To participate in the development of the school budget proposal, prior to submission to the school board.
5. To participate in school reviews and to receive feedback on actions taken.

6. To promote community interest, understanding and involvement in the school and in the governance of the school.
7. To establish ongoing communication with all parents of the children enrolled in the school and with community members. The Advisory Council is representative of their priorities and concerns.
8. To establish a means of regular accountability to the school and community for involvement, activities, expenditures and recommendations. (p. 3)

The Council "is an elected group of parents and community members", where "at least two-thirds of the positions must be filled with parents whose children attend the school and who are not employed by the school division" (p. 4).

The school principal, who sits on the council as an ex-officio member, is responsible for making a budget available for the council (for costs related to typing, printing and mailing of council minutes and communications with the larger community) and for involving the council in school planning.

The Minister of Education and Training maintains the authority "to dissolve councils which are not functioning in keeping with the mandate for Advisory Councils for School Leadership as defined by the province" (p. 6). There is no reference within the Guidelines to the way in which these new Advisory Councils for School Leadership will articulate with the Parent Councils currently in operation across Manitoba school divisions (see Appendix A).

At the present time, both the Minister's Blueprint for Action and Guidelines: Advisory Councils for School Leadership are political documents, heralding the government's policy direction but having no legal status. Extensive changes to

existing legislation will be required to activate the ideas contained in the documents.

Within the current Acts governing education in Manitoba's public school system, references to parental roles and responsibilities are sparse and largely restricted to the custodial aspect of the parent-school relationship.

Custody

By far the greatest number of references to "parents" falls within the custodial classification. There is no definition of "parent" within the Public Schools Act, but a legal guardian is defined as "a person appointed or recognized as the guardian of a child under the Child and Family Services Act or the Court of Queen's Bench Surrogate Practice Act" (s. 1).

Lengthy clauses within the Public Schools Act stress the need for regular school attendance, parental responsibility to ensure regular school attendance and the penalties that could be enforced as a result of non-attendance. School attendance is extended to "any person who has attained the age of six years at the beginning of the fall term or will attain the age of 6 years within 12 weeks after that time or within 12 weeks after any date fixed by the school board for admission to enrolment" and students have the right to attend school "to an age 3 years beyond the age of majority" (s. 259).

Prior to entering a child in school for the first time, parents must present proof that the student has been immunized against disease (s. 261 (1)). It is the responsibility of "every parent of a child of compulsory school age and every person who has or receives a child of compulsory school age in his house, whether that child is his own or that of another person and the child is resident with and in the care and custody of the parent or person, as the case may be,

shall ensure that the child attends school, unless specifically excused in writing by the Minister, in accordance with the provisions of this Act" (s. 260 (1)).

Exceptions to compulsory attendance include: regular attendance at a private school, "currently receiving a standard of education at home or elsewhere equivalent to that provided in a public school" (s. 262(b)), prolonged sickness, religious holy day observance, attaining the age of 15 and obtaining a certificate excusing attendance, signed by parent or legal guardian, school attendance officer and the superintendent of schools (s. 262). Where a school attendance officer investigates chronic absenteeism and finds that the child is, in fact, unlawfully absent, the officer may serve the parent/guardian with notice, in writing, of possible consequences (s. 268). Penalties and punishments for lack of parental supervision or attention include fines or summary convictions for: knowingly sending a child to school when the child has a contagious disease, refusal to get medical attention for a child who has an infectious disease or vermin, refusal to have a child examined by a medical practitioner when the child has been excluded from school as a result of a suspicion of disease, where a student carries into the school an offensive weapon, and refusing or neglecting to furnish information or giving false information or practising deception about a student (s. 233-242).

The Education Administration Act identifies the process to be followed in the suspension of a student for inappropriate behaviour, but no mention is made in the legislation of the rights of parents in a situation involving their student:

Where a school division or school district has a Superintendent, the superintendent may, if so authorized by the school boardsuspend for a period not exceeding six weeks, a pupil who persists in conduct that the superintendent deems injurious to the welfare of the school."

"In all cases of suspension by a principal or superintendent, the suspending

officer shall, within 24 hours, report to the school board, in writing, the name of the pupil, the period of suspension, and the acts of conduct for which the pupil was so suspended (s. 33(2)).

The school board may review any suspension and may revoke or amend it. However, there is no legislated requirement for notifying parents of the suspension, of their right to information or a hearing.

Religion/Culture/Values

The Manitoba Public Schools Act provides for religious instruction in a school provided a petition requesting that religious instruction is presented to the school board and is signed by parents/guardians of at least 10 children attending a school having one or two classrooms, or the parents/guardians of at least 25 children attending a school having 3 or more classrooms (s. 80 (2)). The school board will then pass a by-law authorizing instruction in religion in compliance with the petition. Instruction in religion as authorized under the Act, may take place during school hours but may not exceed 2 1/2 hours per week. Where the parent or guardian does not desire the student to participate in religious instruction, the pupil will be excused.

The Manitoba Public Schools Act declares that its public schools "shall be non-sectarian, and no religious exercises shall be allowed" (s. 84 (1)). An exception is made, however, where a petition signed by the parents/guardians of 75% of the pupils in the case of a school having fewer than 80 pupils or by the parents/guardians of at least 60 pupils in the case of a school having an enrolment of 80 or more pupils, is presented to the School Board. In those cases, religious exercises are conducted for the children of the petitioners.

Patriotic exercises and observances are required in every public school in Manitoba.

Language

The Public Schools Act provides universal access to the languages of English or French as the languages of instruction. There is provision for creation of a special class for reasons of instruction where 23 or more pupils in a school division may be grouped in a class and where the parents request instruction be given in either English or French (s. 181 (3)).

In September, 1993, Part I.1, a 35 page description of the governance, powers and duties of the newly established Francophone School Division, was added to the Public Schools Act. Under Section 21 of this addition, provision is made for access to the schools and programs in the francophone school division for "entitled persons" in Manitoba. The definition of an "entitled person" is:

a resident of Manitoba whose first language learned and still understood is French, (or) a Canadian citizen resident in Manitoba who has received at least four years of primary school instruction in a francophone program in Canada, or a Canadian citizen resident in Manitoba who is the parent of a child who is receiving primary or secondary school instruction in a francophone program in Canada or who has received not less than four years of such instruction (s. 21.1).

The onus falls on the parent to present documentation to the francophone school board to establish that his/her child is entitled to attend the francophone school (s. 21.15 (3)), however the francophone school division is obliged to accept the child of non-entitled parents, if the child is a student within a francophone program designated for transfer to the francophone school board and the parent requests that the child continue in a francophone setting (s. 21.15 (4)).

The Act also provides for the school board to admit any other child whose parent requests in writing that the child attend a francophone school (s.21.15

(5)), and in order to determine such admissions, the francophone school board may establish an admissions committee to review the applications and make recommendations to the board (s. 21.1b). Any dispute arising over the decision of the board regarding a parent's entitlement will be determined by a person or persons appointed by the minister (s.21.17).

In addition, the Act provides for the transfer of a francophone program from a provider school division to the francophone school board, through a request to the minister by the provider division or by entitled parents of at least 10 pupils (where the program has fewer than 100 pupils), or of 10% or more of the pupils in the case of a program with more than 100 pupils (s.21.25 (2)). The minister will then refer the request to the Board of Reference to "determine the wishes of entitled persons whose children are enrolled in the francophone program" (s.21.25 (3)).

Within the francophone school division, French is the language used in 75% of the classroom instruction from grades IV to XII, but the time allotment for English in each of those grades cannot exceed 25% of the classroom time (s. 21.31 (1-2)). Exceptions may be made to the 75% instructional time in French in the case of pupils attending a francophone technical or vocational program (s. 21.31 (4)). The legislation provides for the establishment of a screening process to determine the level of fluency of incoming students, and, in the case of a student "whose French language skills do not meet the language requirements of the Francophone program", to place the student in a 'programme d'accueil' or upgrading course (s. 21.5 (1)).

There is provision in section 79 of the legislation for program delivery in heritage or minority languages in Manitoba schools, subject to the following

conditions:

When authorized by the school board, a language other than English or French may be used in any school in the school division or school district

- a) for instruction in religion during a period authorized for such instruction;
- b) during a period authorized by the minister for teaching the language;
- c) before and after the regular school hours prescribed in the regulations and applicable to that school;
- d) in compliance with the regulations as a language of instruction, for transitional purposes;
- e) in compliance with the regulations, as a language of instruction for not more than 50% of the regular school hours as determined by the minister.(s. 79 (2) (a-e)).

Neither the Public Schools Act nor the Education Administration Act addresses the issues of the role of family values or multicultural education in the public school system.

Choice

Within the Public Schools Act, parents and students in Manitoba are assured access to any program not offered in their home school division/district:

....every school board shall make provision for a pupil to attend a school in another school division or district for a program not provided by the pupil's home school division or school district, and the pupil's home school division or school district is responsible for paying the residual costs of the education. Any dispute as to what constitutes residual costs shall be referred to the Minister whose determination is final and binding (s. 41(5-6)).

There has been some disagreement between school divisions and the Department of Education and Training regarding the definition of a "program." For example, two areas of study in particular, "gifted programs" such as the International Baccalaureate and Advanced Placement, and specialized vocational courses, have not met the Department's criteria for "program" status

and parental ambitions in these circumstances have not been achieved.

Parents are entitled to transportation for their students to and from school, if they meet certain distance requirements:

...in all cases where transportation of pupils is required, it shall be provided for those pupils who would have more than 1.6 kms to walk in order to reach school, and further, provision for transportation from home to school shall be made regardless of distance for those pupils who are unable to walk to school because of physical or other handicaps (s. 43(1)).

Provision is also made for compensation to parents who, because of the limitations of geography and/or sparsity of the population, transport their own students to and from a school more than .8 kilometres from their residence.

The Public Schools Act does not address the issue of home schooling in any specificity. It simply allows parents to keep their children away from school if a field representative of the minister certifies that, in his opinion, the child is receiving a standard of education equivalent to that provided in a public school. There is no mention of the criteria or procedures to be used in regulating home schooling.

Participation

Current legislation provides for parental involvement via School Committees only within the new Francophone school division (s. 21) and in Frontier School Division No. 48 (s. 17). While many school divisions throughout Manitoba have established parent advisory committees in their schools, they have done so voluntarily, not as a result of the legislation (see Appendix A).

The legislated model for parental involvement in the new francophone school division in Manitoba is a three-stage process of participation, beginning

with the School Committee, moving to the Regional Committee and proceeding to the School Board. The Public Schools Act requires that a school committee be established for each school in which a francophone program is operated by the francophone school board (s. 21.13 (1)). The roles and responsibilities of the school committee are not defined within the legislation, except that “a regional committee shall consult each school committee located in the region about matters affecting the particular school” (s. 21.14).

The nature and role of the regional committee are described in greater detail:

For each region of the Francophone school division, a regional committee shall be elected.... It is the responsibility of a regional committee to advise the francophone school board about school matters in the region; make recommendations each year to the francophone school board about short and long term educational priorities in the region; review and make recommendations to the francophone school board about the policies, procedures, programs and activities of the francophone school division; prepare and submit to the francophone school board, in accordance with any directions provided by the board, an estimate of the annual and monthly expenditures for the region; review and make recommendations to the francophone school board about the proposed annual budget for the school division before the budget is submitted to the minister; communicate decisions of the francophone school board, including budget decisions, to each school committee in the region; prepare and submit to the francophone school board a list of capital construction projects for the region and make recommendations as to their priority in the region; monitor programs and recommend adjustments to those programs to the francophone school board when warranted; make recommendations to the francophone school board about the provision of educational support services in the region; make recommendations to the francophone school board about the transportation of pupils in the region; coordinate cultural and recreational activities in schools on a regular basis; and perform any duties delegated to it by the francophone school board (s. 21.9 (1-2)).

For its part, the Francophone school board will: consult each regional committee about the proposed annual budget for the division; the opening,

closure or transfer of schools in the region; any major change to a francophone program or support service provided in the region; general criteria for selecting principals and teachers; rules of conduct and safety governing pupils; the organization of social, cultural and recreational activities in schools; and any other matter that the francophone school board considers advisable. (s.21.10).

The legislated model for parental involvement in Frontier School Division No. 48, the province's sprawling, northern school district, provides for advisory groups at two levels. Frontier School Division #48 is currently divided into 5 areas, each area comprising several wards. The Public Schools Act recognizes the authority of the minister to establish a local school committee (and prescribe its membership and term of office) in each ward, and to establish an area advisory committee for each area.

The local school committee advises the area superintendent and the principal of each school in the ward regarding school matters and makes recommendations to them respecting the hiring of principals, teachers and other staff personnel; the evaluation of the performance of any employee of the board; proposed capital construction projects, and annual budget; changes in policies, procedures and programs; short and long-term priorities for each school; and the transportation of students (s. 17 (6)). Members of the area advisory committee are elected from each of the local school committees. Where an area has only one ward, the members of the local school committee are the members of the area advisory committee. The functions of the area advisory committee include making recommendations respecting the hiring of the area superintendent and area staff; the need for performance evaluations of certain employees; proposed short and long term capital construction projects;

proposed annual budget and monthly expenditures; policies, procedures and programs; short and long term priorities for the area. (s. 17 (10)).

The members of each area advisory committee elect from among their number, two persons who become trustees of the school board. The school board, therefore, consists of trustees elected by all area advisory committees within the division (s. 17 (12)).

Access to Information

The Public Schools Act lists as a duty of the school board:

....to make available to the parent or guardian of any pupil attending a school within the jurisdiction of the school board, or to a pupil who has reached the age of majority and, where the pupil gives written consent to the parent or guardian of the pupil, such information as may be contained in any file or record kept at the office of the school or school board respecting the pupil,

(i) in the case of a file or record kept at the office of the school, during normal school hours, and

(ii) in the case of a file or record kept at the office of the school board,

during normal office hours, or at such other time as may be agreed between the school board and the parent or guardian or between the school board and both the parent or guardian and the pupil, as the case may be and every principal shall offer to designate an employee to assist a parent or guardian who is given access to information to interpret it (s. 41(1(s))).

Further, the Act makes it a teacher's duty to report student progress and achievement to the parents, that is, the teacher must "deliver or cause to be delivered or provide the parent or guardian of each pupil taught by him reports of the pupil at the times and in the manner determined by the school board" (s. 96 (g)).

Quality Assurance

There is no provision within the Public Schools Act or the Education Administration Act to provide parents with input or appeal regarding the determination of curricula, textbooks, standards, promotion, retention, gifted education, special education or basic skills. Further, regulations and policies, separate from the statutes, provide a role for parents in some of those educational areas.

ONTARIO

The Government of Ontario Education Act was ratified in September 1990, and amended in December, 1990. The legislated references to parents within the act focus on the custodial aspects of the parent/school relationship, with an emphasis on parental responsibility for student attendance and behaviour.

Custody

There is no legal definition of "parent" in the Education Act, and a "guardian" is defined in the briefest of terms as "a person who has lawful custody of a child, other than the parent of the child" (s. 22). Student attendance is required of every child who attains the age of 6 years on or before the first school day in September until he/she attains the age of 16 years, unless excused from attendance by virtue of receiving satisfactory instruction at home, sickness, transportation not being provided, suspension/expulsion, a holy day, or graduating from a secondary school (s. 20 (1-2)).

It is the responsibility of the parent to ensure that a child who is required to attend school, does so. Parental support of non-attendance is an offence, and subject to a fine. Where a difference of opinion occurs between a parent, who considers that his/her child should be excused from attendance, and a school or provincial school attendance officer who feels that the child should not be excused, an inquiry will be made as to the validity of the reason for non-attendance. To that end, one or more persons who are not in the employ of the school division will conduct a hearing and prepare a report with recommendations to the attendance officer, with a copy to the board and to parents.

Under section 22 (1) of the Act, a Principal may suspend a pupil for a "fixed period, not in excess of a period determined by the board", because of "truancy, persistent opposition to authority, habitual neglect of duty, the willful destruction of school property, the use of profane or improper language, or conduct injurious to the moral tone of the school or to the physical or mental well-being of others in the school." Notably, the Act places responsibility for an act of truancy on the pupil:

...a child who is required by law to attend school and who refuses to attend or who is habitually absent from school is guilty of an offence and on conviction is liable to the penalties provided for children adjudged to be juvenile delinquents under the Juvenile Delinquent Act (Canada), and the child and his parent/guardian may be summoned to appear before the Provincial Court.... (s. 29 (5)).

Further, provision is made in s. 51 of the Education Act for parents and guardians to have access to the schools, consistent with their custodial functions.

When a student has been suspended, the principal must notify in writing, the pupil, his teachers, the parent or guardian, the board, the appropriate school attendance counsellor and the appropriate supervisory officer, of the suspension, the reasons for the suspension and the right of appeal available to the pupil/parent. The appeal of the suspension to the board must be launched by the pupil or parent, within 7 days of the commencement of the suspension. The board, after hearing the appeal "may remove, confirm or modify the suspension, and where the board considers it appropriate, may order that any record of the suspension be expunged" (s. 22 (2)).

Religion/Culture/Values

Access to religious instruction in Ontario schools is determined by the parent:

...a pupil shall be allowed to receive such religious instruction as his parent or guardian desires or, where the pupil is an adult, as he desires (s.50 (1)).

and

No pupil in a public school shall be required to read or study in or from a religious book, or to join in an exercise of devotion or religion, objected to by his parent or guardian, or by the pupil, where he is an adult (s. 50(2)).

Under Section 235, eleven "Duties of a Teacher" are identified, and one of them places on the teacher the responsibility to act as a role model or moral exemplar and:

...to inculcate by precept and example, respect for religion and the principles of Judaeo-Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues (s. 235 (c)).

Language

There is no inclusion in the Ontario Education Act of any parental rights, responsibilities or options with regard to heritage or minority languages.

Choice

Parents in Ontario may choose to send their child (and their school tax dollars) to either the public or the separate school system. It is the responsibility of the parent or guardian (s. 32 (3)) to submit evidence that the child has a right to attend an elementary school, including proof of age. Section 38 asserts the resident student's right to attend a more accessible ("nearer by the shortest distance by road to another public school in another school section") school in an adjoining school jurisdiction. The resident school division will reimburse the fee calculated in accordance with the regulations. Provision is provided for the reimbursement of the parent for the board, lodging and transportation from residence to school, where a pupil is residing more than 24 kms by road or rail from a secondary school that he/she is eligible to attend, in the amount set by the board and calculated on the number of days of attendance (s. 166 (7)).

Participation

The Ontario Education Act is silent on parental participation in the governance of schools at the school level. There are no legislated mechanisms to involve parents in the educational process, and two key sections of the act, "Duties of a Teacher" and "Duties of a Principal", make no mention of the responsibility of either of these educators to communicate with or involve parents/guardians in the education of their children, directly or indirectly.

Access to Information

There is only passing reference in the Education Act to the right of parents to obtain information regarding their child: " A pupil, and his parent or guardian

where the pupil is a minor, is entitled to examine the record of such pupil” (s. 237 (3)). However, no process is identified to facilitate this access.

Quality Assurance

The only aspect of quality assurance legislated in Ontario, is in regards to educational opportunities for students with special needs:

The Minister shall ensure that all exceptional children in Ontario have available to them,.... appropriate special educational programs and special education services without payment of fees by parents or guardians resident in Ontario, and shall provide for the parents or guardians to appeal the appropriateness of the special education placement (s. 8 (2)).

Monitoring of the “appropriateness” of the placement takes place via the Minister’s requirement that school boards implement procedures for early and ongoing identification of the learning abilities and needs of pupils; prescribed standards by which identification procedures can be implemented; and the definition of exceptionalities of pupils and prescribed classes, groups or categories for special education programs and services.

The one exception to the integration of special needs students is the “hard to serve pupil”, defined as “a pupil who, under this section, is determined to be unable to profit by instruction offered by a board due to a mental handicap or a mental and one or more additional handicaps” (s. 34 (1) (b)). In the case where either the Principal of the school, or the parent of the child, identifies the pupil as being “hard to serve”, the matter will be referred by the principal to the board, where a committee of three persons will be appointed (consisting of a supervisory officer, a principal and a legally qualified medical practitioner). The committee will inquire into the alleged inability of the pupil to profit by

instruction, review the handicap(s) of the pupil and determine whether the pupil can profit by instruction offered by the board or whether he/she is a "hard-to-serve" pupil. The committee's written report is submitted to the board and to the parent/guardian of the pupil.

If the committee notifies the board that the pupil is a "hard-to-serve pupil", the board will consider the recommendation and determine that the pupil needs placement in a special education program and shall notify the parents, in writing, of that determination. If the parent agrees with the designation, the board will assist the parent to locate a suitable placement and reimburse the parent/guardian for any expenses incurred in locating the placement. Where a parent disagrees with the designation or with the recommended placement, the parent may, within 15 days of receipt of the notice, or anytime prior to the implementation of the placement, notify the board in writing and the board will refer the matter to the secretary of a Special Education Tribunal. The Tribunal will consider the referral, and, after a hearing, will decide if the pupil is/is not hard to serve and if the proposed placement is/is not suited to the needs of the pupil, and will notify in writing the parent or guardian of the pupil, the board and the Minister.

When a parent/guardian has exhausted all rights of appeal regarding the identification or placement of a student, or is dissatisfied with the Tribunal's decision, the parent may appeal to the Special Education Tribunal for a hearing at the regional level by a committee established by the Minister. If such an appeal is granted, the ruling of the regional tribunal is final and binding upon the parties.

QUEBEC

Quebec's Loi sur l'instruction publique (1992) is unique among provincial education law in several respects. In the first instance, it is written only in French - no English version is available. The translation therefore, has been provided by this author and, while the broad strokes of interpretation are accurate, the precise wording of the translation is not "official" and may be open to debate.

Second, Chapter 1 of the Act begins with the 'raison d'être' of the public education system in the province - the student. "Droits de l'élève" outlines the rights and responsibilities of the student in the public school system and the universal and free accessibility to the school for all students, ages 5-18 years.

Third, although the Act contains extensive provisions regarding the involvement and empowerment of parents in the educational process, there is no separate chapter or section dedicated to the rights, roles or responsibilities of parents. Furthermore, the references to parental involvement are not consistent within the legislation. For example, in Chapter II - "The Rights of a Teacher" and Chapter III "The Responsibilities of a Teacher", no mention is made of contact or communication that should take place between the teacher and the parents regarding the student's educational progress or activities.

The inclusion in Quebec's legislation of a system of parental advisory committees was strongly influenced by the province's blueprint for educational reform, the 1961-65 Royal Commission of Inquiry on Education. The report of that Royal commission contained numerous recommendations regarding parental participation, and specifically recommended a system of school

committees for each elementary and secondary school in the province, to be elected annually by parent and community members. The recommendations of the Commission regarding parental participation in schools reflected a concern for the protection of the religious and cultural rights of parents in choosing the type of education desired for their children.

In 1971 and 1972, legislation was introduced in the National Assembly that mandated the establishment of a school committee in every elementary and secondary public school in the province. The government intended the school and parent committees to be advisory and supportive, rather than oppositional:

School committees and parent committees must be defined within the school structure as organizations cooperating with school administrators and school boards. They are to be complementary structures without encroaching upon the duties and authority of school commissioners and administrators (Government of Quebec. 1972 (p. 10)).

Custody

The definition of "parent" contained in the act is brief and uni-dimensional. "Parent" is defined as "the person with parental authority, or the person who has assumed guardianship of the student" (s. 13-2).

Every person in Quebec is entitled to an education, from the ages of 5 years until the last school day of the year in which he/she attains the age of 18, or the age of 21 years in the case of a handicapped person (s. 1). Any child who is resident of Quebec is required to attend school from the first day of the school calendar during the year that he/she turns 6 years of age, to the school year when the student achieves the age of 16, or until he/she obtains a diploma issued by the Minister (s. 1-14). A student is exempt from compulsory school attendance for reasons of illness or to receive medical treatment; on the request

of his parents and after consultation with the committee on special education; where a mental or physical handicap prevents him/her from attending; if expelled from school by the school division; is receiving home schooling and is being given an educational experience that, after an evaluation made by the school division, is equivalent to that offered at the school; is attending a private school or an international school operated under the Minister of International Affairs; for short periods of time, not exceeding in total 6 weeks per year, students may be released from school on the request of their parents, to attend to urgent matters.

The act stipulates that it is illegal to employ a student during school hours when he/she is required to attend school (s. 16). Section 17 stipulates that "Parents must take the necessary steps to ensure that their student fulfills his/her obligation to attend school", however the 'necessary' steps or parental actions are not identified. In the case of repeated, unexcused absences, the principal of the school or the designated person will meet with the student and his/her parents and with those responsible for student services in the school division to arrive at an agreement on the most appropriate measures to take to remedy the situation. In the event that the agreed-upon intervention does not remedy the situation, the principal of the school will advise the director of child protection after having advised, in writing, the parents of the student.

In regard to student discipline, there is no description, within the act, of the types of inappropriate behaviour that will not be tolerated by school officials. However, the school division can, at the request of the principal of the school, for "just and sufficient" cause, and after having given the student and his parents an opportunity to be heard, transfer or enroll a student into another school or

expell him from school; in the latter case, the action will be referred to the director of youth protection (s. 242). No appeal process is described, whereby the parent and/or student could appeal or contest the principal's decision. No guidelines or stipulations are presented for the determination of the length of the student suspension or the criteria to be used to decide on suspension vs. expulsion as a consequence.

Religion/Culture/Values

Religious instruction is integral to the educational system in Quebec. Each year, the student has the right to choose between Catholic or Protestant religious instruction or moral instruction. The student also has the right, each year, to choose moral or religious instruction in a confession other than Catholic or Protestant, wherever such instruction is provided at the school. In the elementary grades and the first two years of secondary school, parents may exercise this choice for their child (s. 1-5). It is the responsibility of the school board to provide, according to the choice of the student or his/her parents, moral and religious instruction, (Catholic or Protestant), or moral instruction (s. 225). In addition, pastoral activities and studies may be provided by the school. The act stipulates that the organization of religious instruction, Catholic or Protestant, and moral instruction, must allow each student to achieve the objectives and to acquire the content defined in the curricula established by the Minister.

The school board may, after consulting with the Advisory (Orientation) Council and the School Committee, offer moral and religious instruction in a faith other than Catholic or Protestant. The school board must however, ensure the achievement of mandatory objectives and the acquisition of required

content defined within the program of studies approved by the Minister (s. 228).

The act focuses on two religions - Catholic and Protestant. There is no reference in the act to the provision of multicultural education, preservation of minority rights (other than English) or the specific promotion of family values.

Language

Given the multi-lingual nature of the province and its large urban centres, there is surprisingly little reference within the act either to the role of language or to the determination of language of instruction. Section 205 stipulates that English instruction be provided for those considered by the anglophone school division to be eligible, according to the law, to receive instruction in English. Section 210 mandates that a Francophone school division dispense educational services and instruction in French and that an Anglophone school division dispense those services and instruction in English. Although the articles do not exclude the instruction of a second language, no specific mention is made within the legislation of heritage or minority languages (other than the two official languages) or to a parent's right to instruction in those languages within a school context for his/her child.

Choice

Parents are given the option of selecting the most appropriate school for their student:

The student, or, if he is a minor, his parents, has the right to choose, each year, from among the schools within the school division in which he is a resident, that one which best corresponds to his preference or whose educational objectives best correspond with his values (s. 1-4).

Certain limitations are placed on this choice of schools. The clause is subject to enrollment criteria within the school division and does not permit an

increase in transportation to exceed the transportation already provided to that student by the school division. Each school division that organizes the transportation of students must establish a consultative committee on transportation whose composition, operation and functions must conform to government regulations (s.188). Parents are represented on that committee. Notably, home schooling is not mentioned in the legislation.

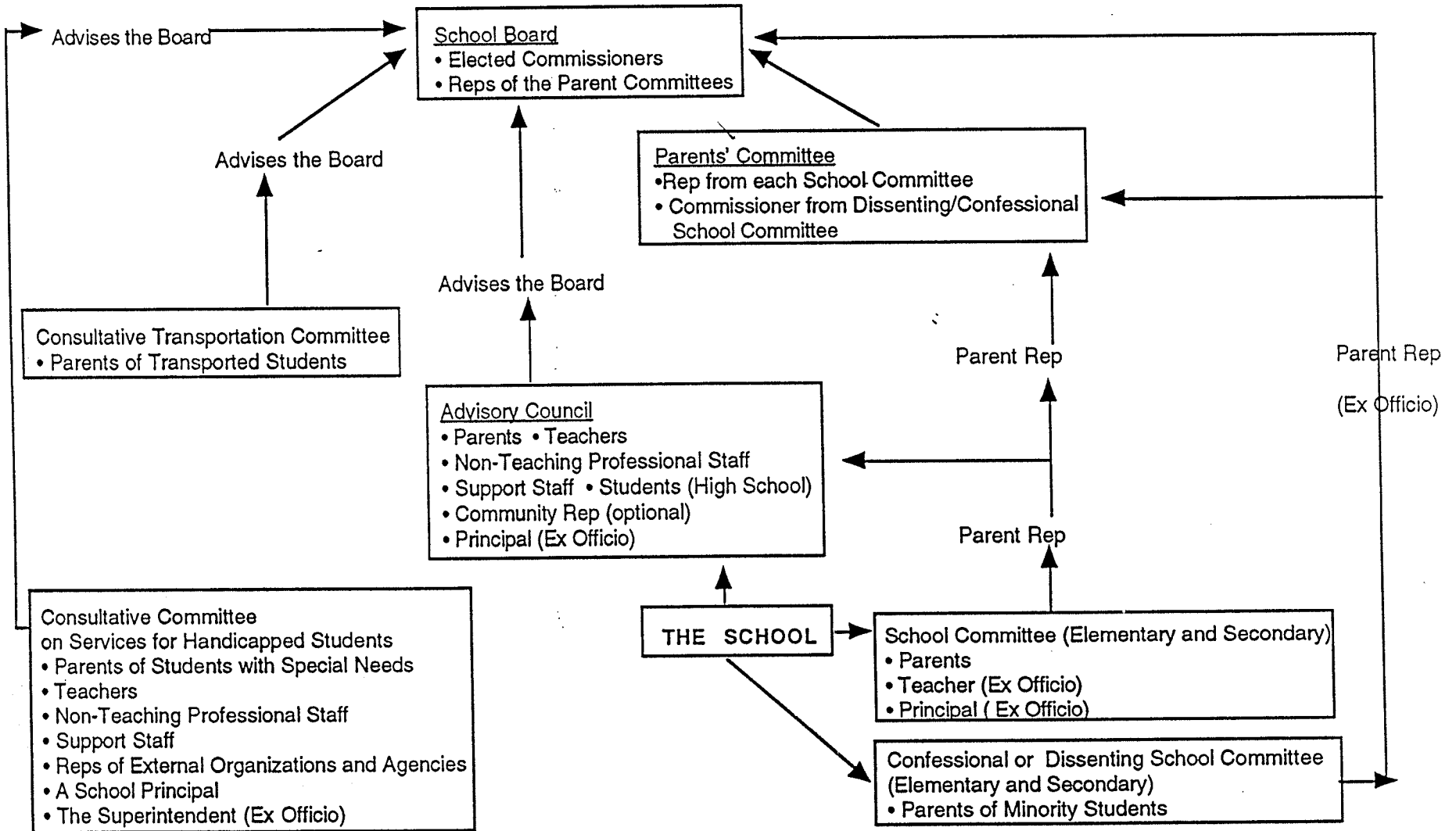
Participation

Quebec has a comprehensive, complex and structured commitment to involve parents in the educational decision-making process. Parental participation takes place at a variety of levels and through a variety of committees and councils with clearly delineated mandates (see Figure 3 for a diagram of the legislated committees). At the school level, two advisory structures play a key role in informing the actions and activities of the school - the 'Conseil d'orientation' and the 'Comité d'école'. At the divisional level, advice is provided to the 'Conseil des Commissaires' by the 'Comité de Parents'. The legislation clearly delineates the terms of reference of each of these bodies.

The Comité d'école (School Committee) is the vehicle that presents the greatest number of parents with an opportunity to become involved in the education of their children. A School Committee is established in each school, comprising no fewer than 5 or more than 25 parents of students enrolled in the school, elected by their peers (s. 83 - 92).

Each year the President of the School Committee or, by default, the principal of the school, invites, in writing, the parents of the students enrolled in the school, to a meeting, between May 15 and Sept 30th, where they elect the

Figure 3:
Quebec
 Legislated Model of Parent/School
 Involvement and Consultation



members of the School Committee. Those invited are parents of the students enrolled for the next school year. The day of their election, the members of the School Committee hold their first meeting and elect, from among them, a President and a representative to the Advisory Council .

The principal, or designated vice-principal, and a teacher from the school elected for this purpose by his/her peers, participate in meetings of the School Committee. However, they do not have the right to vote or to be named president of the School Committee or a representative to the Parent Committee of the school division .

When the act establishing the school puts more than one building under the control of the school or when the school comprises both primary and secondary levels, the parent meeting organized under section 84, after consultation with the principal of the school, instead of one School Committee, may establish a School Committee for each school building or for each instructional level.

When, in applying article 87, more than one School Committee is established, the members of those committees in a joint meeting decide whether or not to name a representative jointly or individually to represent parents. In either case, the nominations must be made by the majority of voters.

The functions of a School Committee are to promote the participation of parents in the defining, implementing and evaluating of the educational plan of the school; to give advice to the Advisory Council or to the principal of the school on any question referred to it or on any subject of concern to parents; and to give advice to the school division on any question that is referred to it. For example, the School Committee must be consulted by the principal on the following matters: changes or revisions regarding school closure, any changes

in the confessional status of a school, rules of conduct and safety rules for students, the aims, objectives and measures contained in the educational project, programming proposed by the Principal that requires a change to the daily timetable for students or an extension of activities outside of the school, and the organization of safety programs for preschool and primary students. The principal has a duty to take part in the meetings of the School Committee but is not entitled to vote, to be appointed chair or to represent the Committee before the board. Also, the School Committee has the right to meet on the school premises. It also has the right to use the administrative services and equipment of the school, according to the guidelines established by the school principal.

The Committee adopts its annual operating budget, sees to its administration and presents an accounting to the school division. The budget should maintain a balance between expenditures and the financial resources allocated to the committee by the school division, and the other revenues generated by the committee. The School Committee establishes its internal operating procedures and these procedures must include the holding of no fewer than five meetings per school year. No member of the School Committee can be prosecuted for an act committed in good faith in the exercise of these functions.

A separate section of the act (s. 3 (55-82)) outlines the membership, formation, functions and powers of the Conseil d'Orientation or Advisory Council. Each school must institute an Advisory Council comprising parents of students attending the school (who are not staff members), nominated by the School Committee; at least two teachers from the school, elected by their peers

(the School Board determines the exact number of parent and teacher members after consulting with the two groups); one person, other than a teacher, who provides services to particular students in the school; a member of the school's support staff; in the case of a high school, two students elected by their peers; and, if the Council so desires, a representative of the community, nominated by the Council.

The number of parent representatives on the Council should be at least equal to the total number of reps from the other groups. The principal of the school participates in the meetings of the Advisory Council, but does not have a vote. Each year, before October 15, the School Committee names the parent representatives to the Advisory Council. The teachers in the school name their representatives by the same date, according to either their collective agreement or the process arrived at by the principal through consultation with the staff. Professional non-teaching staff and school support staff select their members following the same process as the teachers. In a high school the principal presides over an election of student representatives to the Council. If the School Committee fails to nominate the required number of parent representatives, the principal of the school will exercise the functions and powers of the Advisory Council. However, the failure of the teachers, professional non-teaching staff, support staff or students to elect representatives will not hinder the formation of an Advisory Council.

The term of office of the Advisory Council is one year and it must meet a minimum of three times per year. It elects its president from among the parent representatives (who cannot be employees of the school division). The Council president chairs the Council meetings and casts the deciding vote. After three

consecutive meetings where a quorum (simple majority of members) is not achieved, the school division may suspend the functions and powers of the Council, and, pending a determination of its future by the school division, the principal of the school would assume the Council's function.

The Advisory Council has the right to hold its meetings in the school and to use the administrative services and equipment of the school, according to the guidelines agreed upon with the school principal. The Council establishes the rules of its internal operation, and no member of the Advisory Council can be prosecuted for an action committed in good faith during the exercise of his/her duties. The primary function of the Advisory Council is to determine, after consultation with the School Committee, the appropriate goals for the school to be incorporated in the mission statement. The council gives advice to the principal on appropriate processes/measures to take to ensure the realization and evaluation of these goals.

The Advisory Council also exercises the following functions:

1. promotes the exchange and coordination of information among persons involved in the school,
2. adopts, with or without modification, after consultation with the school committee, the rules of conduct and safety rules proposed by the principal,
3. approves, after consultation with the school committee, any program of studies or educational activities proposed by the principal that might necessitate a change to the normal student timetable,
4. provides advice to the school board on any question that is referred to it, on all questions related to the efficient operation of the school or to its educational mission and on any subject that would produce a better organization of service delivery in the school division.

The Advisory Council must be consulted by the school division on changes to or closure of a school, selection criteria for the school principal, the demand

for the confessional recognition of the school or the withdrawal of this recognition, the enrichment and adaptation of curricula and the development of local courses and specific educational programs and the organization of school sports, cultural and safety programs.

The Advisory Council adopts its annual operating budget, sees to its administration and presents its accounts to the school division (s. 81). The budget must maintain a balance between expenditures on the one hand, and on the other, the financial resources allocated by the school division and by other revenues that are the property of the Council. Additionally, the Council advises the principal on the school's annual budget. The Advisory Council exercises the duties and powers delegated to it by regulation or by delegation of the School Board. The Advisory Council exercises considerable control over the process to determine the administrative leadership within the school division. The principal of a school is appointed by the school board according to the selection criteria established through consultation between the board and the Advisory Council (s. 3-2 (41)). Section 199 forbids the Superintendent and Assistant Superintendent from sitting on the Advisory Council, although no reason is given for the exclusion of senior administrators. The Advisory Council provides the school board with advice on all aspects of the school division's operation, and so may influence the Board on the confirmation or extension of a Superintendent's contract, since a nomination/confirmation requires a 2/3 majority vote of the Board and an extension requires a simple majority.

Each school division in Quebec is administered by a 'Conseil des Commissaires' or School Board. The law makes it mandatory (s. 143) for the Board to include members who represent the interests of parents' committees

for each of the elementary and secondary levels. The Board comprises elected and/or appointed commissioners; a commissioner representing the parent committees for each of the levels of instruction - primary and secondary; and in the case of a confessional or dissenting school division, the elected commissioner representing the parents of minority students in each of the levels of schooling.

Where regional school boards exist, there are regional parents' committee and a central parents' committee of delegates representing the regional parents' committees. Currently, only two such regional entities exist - the Montreal Catholic School Commission and the Protestant School Board of Greater Montreal (s. 191-196).

Each year, the president of the Parents' Committee, or, by default, the Secretary-Treasurer of the school division, will call together the members of the Parents' Committee or of the central parents' committee, in order to elect, from among their members (who are not employees of the school division), a commissioner ("commissaire") for each level of instruction, primary or secondary as the case may be (s. 145). The representative is elected by the majority of the voting members present. The elected representative begins his/her term the 3rd Sunday in November following his/her election, for a duration of one year.

Parents of minority students who are not eligible to receive English language instruction in an Anglais division, have the right to elect from among themselves, for each level of instruction, primary and secondary, a representative, who is not an employee of the school division, to the school board, if the number of students in the minority group is less than 200 or fewer

than 5% of the students enrolled in the division's schools.

The Secretary-Treasurer presides over the election of such representatives before the third Sunday in November. The election takes place according to procedures specified by the school division after consultation with the Parents' Committee.

A commissioner representing a Parents' Committee, or the parents of minority students, has the same rights, powers and obligations as the other commissioners. However, he does not have the right to vote on the school board or on the executive committee and cannot be named president or vice-president of the school division nor take part in the school board of the regional school commission of which that school division is a member.

Each school division must institute a Comité de parents or Parents' Committee composed of a representative from each school committee and, in the case of a confessional or dissident school division, the commissioner representing the parents of the minority of students in both primary and secondary schooling.

Each year, the president of the Parents' Committee, or the Secretary-Treasurer, will call together the members of the Parents' Committee before October 31, 1994 to elect a chairperson. A school division that is divided into administration regions may replace the Parents' Committee with a regional Parents' Committee for each region and a central parents' committee formed of delegates from each regional committee.

Section 192 outlines the functions of the Parents' Committee:

1. to promote the participation of parents in activities of the school division and to designate, to this end, parents to participate on various committees formed by school division.
2. to give advice on any appropriate subject to assure the best possible

- functioning of the school division.
3. to assure the consultation/co-ordination necessary to the good functioning of school committees and to communicate to the school division the needs identified by each.
 4. to give advice to the school division on any question referred to it.

The Parents' Committee must be consulted on the following matters:

1. the division, annexation or amalgamation of territory of the school division and, if the case arises, the joining of the school division to a regional school division;
2. three year plan for the repair and maintenance of buildings in the school division, the list of schools and the acts incorporating them;
3. the policy of maintenance or closing of a school;
4. methods of implementing the pedagogy and programs of study used by the school division;
5. the distribution of educational services among schools;
6. the criteria for the enrolment of students in schools;
7. the school calendar;
8. establishment of norms and standards of evaluation and policies regarding promotion/retention of students.

The Parents' Committee has the right to meet in the school buildings in the school division and to use administrative services and equipment. The Parents' Committee establishes the rules regulating its internal operation early in the school year. The Parents' Committee, and the Consultative Committee on Services for Handicapped or Learning Disabled students, adopt their annual operating budget, see to its administration and are accountable for it to the school division. The budget must maintain a balance between expenditures and revenues.

The elaborate system of representative councils in Quebec school divisions permits parents an active role in the critical areas of selection of personnel, budget, and curriculum implementation at the same time that it requires school boards to consult the committees prior to making certain decisions. What the legislation does not delineate is the manner in which overlap or redundancy

can be avoided or resolved in the operation of the various committees.

Access to information

There is no specific reference within the legislation to the manner in which parents can obtain or challenge information or data contained within students' files. Curiously, the reporting of student achievement to parents is not dealt with in the statute.

Quality Assurance

In the enumeration of the functions of the Parents' Committee, there is a requirement that the committee be consulted on the methods of implementing the pedagogy and programs of study used by the school division (s. 193). Also, every student is entitled to free textbooks and resources required for the program of studies, and the student is expected to keep the materials in good condition and return them at the end of the school year. If the student loses or defaces the books, the school division may reclaim their value from the parents, or the student himself if he/she is of the age of majority (s. 8). Parents may appeal the decision of the school division. In this process, the parents may be assisted by the Superintendent in the preparation of their written appeal. The School Board is required to act upon the appeal request without delay, and may refer the matter to an individual or committee to investigate and present recommendations. During the examination of their demand, the interested parties have the opportunity to present their case.

In the area of special education, a school division must establish (s. 185) a consultative committee for services for handicapped students and students with learning difficulties. This committee comprises the parents of these students (designated by the Parents' Committee), teacher representatives, non-

teaching support staff, and non-teaching professional staff, designated by their associations and chosen from among those who deliver services to these children, representatives of organizations that provide services to handicapped students, designated by the School Board. After consultations with the organizations, a school principal designated by the Superintendent and the Superintendent (or designate) who participates in committee meetings but has no vote. The School Board determines the exact number of representatives from each group, but the parent representatives must be in the majority.

The Special Education Consultative Committee has the following functions:

1. to advise the School Board on the organizational standards for the educational services provided to students with special needs;
2. to advise the School Board on the allocation of financial resources for services to these students;
3. to advise the Board on the implementation of intervention plans for students with special needs or learning disabilities (s. 187).

In the interests of providing appropriate care and service to students with special needs, a school division may negotiate an agreement with another school division, private institution or educational authority in Canada, to arrange for educational services equivalent to those required by the law. Prior to concluding the agreements, the school division must consult with the parents. While the legislation deals with the placement and programming for students possessing disabilities or difficulties, it makes no reference to the education of students at the other end of that range of exceptionality, that is, those who have particular gifts or talents and require additional assistance or enriched instruction.

NEW BRUNSWICK

In November, 1991, the New Brunswick government created the Commission on Excellence, whose terms of reference included: "To seek ways and means of creating and strengthening productive linkages between education at all levels and its principal stakeholders" (Schools for a New Century, p. 7). The Commission prepared and widely distributed an issues paper, and from November 1991 to April 1992, held more than 100 meetings around the province with groups and individuals. A recurring theme in the Commission's contact with the public, was the desire on the part of parents to "be allowed to participate more in the education system" (p. 53). The Commission recognized, however, the threat posed to traditional educational stakeholders by the prospect of increased parental involvement:

Effective partnerships in education pose challenges to the formal educational leadership provided by the Department of Education, and the school boards, as well as to the teaching personnel, for it strengthens the horizontal axis of authority at the expense of the vertical. It favours the strengthening of the linkages and the broader sharing of responsibilities. It requires, on the part of teachers, the willingness to work cooperatively with parents and the community at large, and to give the students a greater voice in their education. Conversely, it requires students, parents, the community, business and labour to assume a greater share of responsibility for the public education system (p. 53).

The commission commented that the concept of school advisory committees, promoted by the Minister, was causing some "concern on the part of existing parents organizations (namely the New Brunswick Home and School Association and les Comités de Parents du Nouveau-Brunswick) that the introduction of a new structure could deprive them of, or duplicate, their role" (p. 54).

Unlike Yvonne Martin (1992), who argues that structure and clear policy objectives are essential to the success of any parental participation, the New Brunswick commissioners were reluctant to "be needlessly prescriptive about the composition, the methods of operation, or the structure" (p. 54) of any parent-school partnership. They did agree, however, that the policy must be supported in legislation "to ensure consistency and effectiveness throughout the province" (p. 55).

In its report Schools For a New Century, the Commission recommended that school advisory committees be prescribed by legislation for each school, with such duties and responsibilities as: the establishment of goals for the school; discussion and advice on curriculum, school regulations, discipline and the community use of the school; liaison with the community, school boards and government; and the training of volunteers wishing to work in schools. The recommendations pertaining to parental participation contained in Schools For a New Century have yet to be acted upon by the New Brunswick government, but they may, in fact, form the basis for revisions to the existing New Brunswick Schools Act (1990).

Custody

"Parent" is not defined in the Schools Act; however, a guardian is defined as "a person who has received into the person's home and has had placed under the person's care and control another person's child but does not, for the purpose of subsection 52 (7), include a person who, in the opinion of the minister, has done so solely for the purpose of allowing that child to attend school in another school district" (p. 1). The Act provides free school privileges for every person from six to twenty years of age inclusive, who has not

graduated from high school and who is a resident of the school district. The maximum school age will be extended to 21 for exceptional pupils who require special education programs or services.

The custodial responsibilities of the parent/guardian are such that "On receipt of the notice (of the child's absenteeism and the consequences of non-compliance) ... the parent shall immediately cause the child to attend school"

(s. 57). A parent who does not comply, will have committed an offence, and on summary conviction is liable to a fine of not less than fifty dollars and not more than \$250, and in default of payment is liable to imprisonment. A child whose parent neglects or refuses to ensure that the child attends school regularly may...be placed in the protective care of the Minister of Health and Community Services as a child whose security or development is in danger" (s. 62).

Additionally, the school board possesses sweeping powers in the area of student suspension, and may suspend "any pupil for cause" (s. 64 (1)). There is no delimitation (within the legislation) of "cause." Though there is provision in (s. 64 (2) (a)) for parents to appeal a student suspension, but no process or mechanisms are legislated.

Religion/Culture/Values

The legislation does not include any reference to the role of the school system or the parent in the inculcation of religion, culture or values.

Language

The Act gives the Minister the power to appoint a school board of 3 or 5 school trustees for the unrepresented official language group. This pertains to a school district where resident parents, whose language is an official language but is not the official language upon which the school district is organized,

represent not fewer than 30 children of elementary school age.

Choice

The New Brunswick Schools Act does not stipulate any entitlement of parents regarding the choice of school, school division boundary, home schooling, transportation or a decision to close a school.

Participation

Although Schools For A New Century advocated the establishment of school advisory committees, the concept has not yet been enacted in the legislation. No other vehicles or structures for parental involvement in the school system are mentioned in the Schools Act.

Access to Information

In most cases in New Brunswick, the parent/guardian (if the pupil has not attained the age of nineteen or is not living independently) is entitled to access to student records maintained by a school board in respect to the student (s. 66 (1)). The interpretation of those data or information will be forthcoming only "if the board believes it is necessary (to) explain or interpret the information disclosed on the record" (s. 66 (2)). The school board retains the right to deny access to information contained in student records, where it believes access would be "detrimental to the well-being or future development or the educational opportunities for the pupil" (s. 66 (3)). Where such access is denied, the school board must make known to the person, at the time of the denial, the existence and general nature of the record. The parent has a right to appeal the denial of access, and is entitled to make inquiries to the school board, and to be given general verbal information by the school board in relation to the educational progress of the student (s. 66 (5-6)).

Quality Assurance

The New Brunswick Schools Act touches on only three areas of quality assurance - the placement of exceptional students, the promotion of students and the provision of textbooks. The most lengthy reference is to the placement of students with special needs. There is assurance that a school board will consult with parents during the process of the determination of the program (s. 52 (4)), and that, where the exceptional student is not able to receive a special education program or service in the school, that the minister may provide for the program or service to be delivered in the student's home or in another institution (s. 52 (5)). The Act does not guarantee the integration of special needs students into the regular classroom, but allows the Board the discretion to place the student "in circumstances where exceptional pupils can participate with pupils who are not exceptional pupils within the regular classroom to the extent that is considered practicable by the school board, having due regard for the educational needs of all pupils " (s. 53 (4)).

There is no reference in the New Brunswick legislation to parental involvement in curriculum, standards, gifted education or textbook selection but parents are expected to equip a pupil with the required textbooks and materials to perform successfully. Curiously, where the parents/guardians fail to provide the pupil with the necessary textbooks and school materials, "the school board shall provide them for the pupil" (s. 25 (2)). The issue of student promotion is an area that is "regulated" at the school board level in New Brunswick, although parents have the right to appeal the decision made in respect to the placement or promotion of the pupil (s. 55 (1)).

NOVA SCOTIA

The Education Act (1990) and The School Boards Membership Act (1991) provide the legal framework for the public school system of Nova Scotia.

Custody

The Education Act defines a 'guardian' as a "person acting 'in loco parentis' to a child" (s. 2 (f)) and a 'parent' as "the father or the mother of the child or a person standing in the position of parent to the child" (s. 2 (k)). The Act further includes a 'person in charge', as a "person over the age of nineteen years with whom a child lives or who controls or is in a position to control or has the apparent charge of a child" (s. 2 (l)).

The right to attend school is universal for "every person over the age of five years and under the age of twenty-one years ...to attend a school serving the school district or school section in which he resides" (s. 3 (2)). The parents are required by the Act to cause the child to attend school as required by regulations made by the Governor in Council.

A parent or guardian who has been served notice of the absenteeism of a child and who fails to return the child to school within five days, faces a series of escalating penalties (s. 68 (1-2)), unless the parent can satisfy the court that he is unable to induce the child to attend school, or before receiving a warning notice he gave notice in writing of his inability to enforce attendance to a person designated by the school board (s. 68 (3)).

There is no mention in the Education Act of the authority to suspend or expell a student, or of a parent's right to appeal such action.

Religion/Culture/Values

The legislation is silent on the issues of religion, culture and values and the roles/responsibilities of the educational stakeholders in providing education in those areas.

Language

In An Act Respecting School Boards (1991), "entitled parents" are defined as "parents who are citizens of Canada who have the right, pursuant to section 23 of the Canadian Charter of Rights and Freedoms, to have their children receive primary and secondary instruction in the French language in the province" (s. 2 (c)). There is no mention in either act of heritage language rights.

Choice, Participation, Access to Information, 105105 Quality Assurance

In all of the areas of parental rights regarding choice, participation, access to information and quality assurance, the Nova Scotia legislation is silent.

PRINCE EDWARD ISLAND

The Prince Edward Island School Act (1974) has undergone extensive revisions and, in fact, in 1993 new legislation (Bill 18) was introduced but, to date, has not been passed into law. The current legislation is, therefore, twenty years old and not responsive to many of the educational issues or challenges of today.

Custody

Although 'parent' is not defined within the legislation, 'guardian' is defined as "a person who has received into his home and who has had placed under his care and control another person's child" (s. 1 (c)). Access to education is

ensured via "free school privileges as defined by regulations, including free educational instruction and necessary transportation, for every child from 6 to 20 years of age inclusive who has not graduated from high school and is a resident of that regional administrative unit in which he is to attend school" (s. 44 (1)).

The legal responsibility to ensure the attendance of a child at school rests with the parent (s. 46 (4)), and "the parent of a child who neglects or refuses to cause the child to attend school as requiredis guilty of an offence" (s. 46 (5)). Each regional school board is responsible for the "attendance of pupils at schools appropriate to their educational attainments" (s. 31) and for enforcing the provisions of the Act. A regional school board may suspend or expel a pupil "for cause" (s. 32). However, the nature and scope of 'cause' are not defined in the Act.

Under Part IV of the Act - The Principal - the duties of the school principal are outlined, but there is no mention of any responsibility to involve or communicate with parents over any school matter or issue affecting students. The administrative and custodial responsibilities of the principal would seem to exclude the parent as player. The Principal has the power to suspend a pupil, where the pupil is "persistently disobedient, persistently refuses to do assigned school work; or is addicted to any vice likely to affect injuriously the character of other pupils" (s. 43 (1)).

Throughout the appeal process of a student's suspension the pupil himself/herself is involved but there is no mention of the role of the pupil's parent, nor any compelling provision to cause the school or board to consult the parent. A pupil who has been suspended may, within seven days of the date of

the suspension, give notice of appeal to the regional school board against the suspension. The regional school board, within seven days of the notice, will hear the appeal, and "at such appeal the pupil, the principal or regional superintendent, and such other persons as the regional school board may in its discretion consider advisable, may appear" (s. 43 (2-3)). Within three days of the appeal hearing, the regional school board will notify the pupil and the principal of its decision on the appeal, and such decision shall be final and binding on the parties. Within Part III of the Act - The Teacher - there is no requirement identified for the teacher to communicate with parents about the program or progress of their child. Here too, the parent is absent as an educational player.

Religion/Culture/Values

The Act is silent on the role and responsibility for the education of students in the areas of religion, culture or values.

Language

The desire of Francophones for French language instruction is accommodated in a way consistent with constitutional requirements: "where numbers warrant French language instruction shall be provided in accordance with the regulations to children of citizens of Canada who have the right under Section 23 of the Charter to have their children receive primary and secondary school instruction in French in the province" (s. 47 (2)).

Choice, Participation, Access to Information

There is no acknowledgement within the Act of the rights of parents to choice in schools, to participation in governance or to information concerning their child.

Quality Assurance

The single reference to parental input in terms of curricula, programs or textual materials, is contained within the section of the Act called Part VII - Supplementary Programs. The role of the parent, indeed, the role of the community, within this section is reactionary rather than collaborative:

When a regional school board under the provisions of section 23 makes a proposal for a supplementary program, the Minister

- (a) shall publish the relevant facts in a newspaper having general circulation in the regional administration unit
- (b) if, within 30 days following the publication under clause (a), 5% or more of the eligible voters of the unit protest in writing to the Minister against the implementation of the program, shall conduct a plebescite on the matter and
- (c) if within 30 days following the publication under clause (a) less than 5% of the eligible voter of the unit protest in writing to the Minister against the implementation, shall advise the regional school board to implement the program. When a majority of those who cast their ballots as eligible voters do so in favour of the supplementary program, the Minister shall advise the regional school board to implement the program (s. 50 (1 & 2)).

Reference to special programming opportunities for either gifted or disabled students is minimal. Provision is made within the legislation for "the Minister, after consultation with a regional school board in which a child is resident, (to) provide free school privileges for a child with special needs or in special circumstancesat a location other than a school in the regional administrative unit in which the child is resident" (s.44 (2)). There is no requirement for either the regional board or the Minister to consult with the parents over such a placement.

NEWFOUNDLAND / LABRADOR

Several acts govern the system of education in Newfoundland / Labrador: An Act to Consolidate the Law Respecting the Department of Education (1984), An Act Respecting the Operation of Schools and Colleges in the Province (1970), The Schools Amendment Act (1974), An Act to Consolidate and Amend the Law Relating to the Raising of Local Taxes for Schools (1970), An Act to Amend and Consolidate the Law Relating to the Training and Classification of Teachers (1974), An Act to Amend and Revise the Law Respecting School Attendance (1978) and An Act Relating to Public Examinations in Schools (1970). Throughout each of these acts, references to parents and parental rights are few and oblique, and generally encompassed in the context of the rights of "the public".

In November, 1993, the Government of Newfoundland and Labrador released a discussion document entitled Adjusting The Course - Restructuring the School System for Educational Excellence. The government stated that one of its goals was: "to transform this society from one of persistent under-achievement to one whose achievement levels rank with the best in the nation" (p.i). Nine principles were identified as critical to the achievement of these goals, three of which have some application to the role of parents - increased public accountability, the attendance of children in the school nearest to their home and greater involvement of parents in education.

The model for educational restructuring outlined in the document is a response to two earlier models - those contained in the Royal Commission of Inquiry into the Delivery of Programs and Services in Primary, Elementary,

Secondary Education (1992) and the Model presented by the Churches of Newfoundland/Labrador, Coterminous and Cooperative School Districts Model and a Provincial Structure (1993). Both models recommended a reduction in the number of school divisions in the province from the current 27, but differed markedly in their approach to the retention of Denominational Education Councils and the role of the churches in education.

The document Adjusting the Course recommends a model of governance that would mandate the establishment at the school board level, of denominational committees, made up of board members of each particular denomination, plus others where the number elected within a denomination is small. These committees would have jurisdiction over "the offering of religious education programs in schools, ensuring that a suitable teacher or other person is assigned for religious instruction and pastoral care" (p. 6). In addition, the committees would advise the Board on teachers' assignments to schools which reflect non-denominational characteristics and family life education programs. The document cites the shortfalls of an educational system that perpetuates the denominational and parochial nature of schooling in the province, while it recognizes that "a large majority of the population appears to support a coming together of the denominations at the school level, while preserving a measure of Church involvement" (p. 14).

The document acknowledges also, the important role played by parents in the engendering of higher levels of achievement: "Finding means of encouraging active parental involvement is one of the most important challenges in developing any structural model" (p. 16). The document mentions several functions for the Councils, including protecting local interests, sharing

certain school level decisions with the board, fund raising, finding ways to encourage broader parental involvement and monitoring information on how well the school is doing. However, the specifics of organization, terms of reference, membership and funding of parent advisory councils are not developed. Nor does the government's document deal with the other aspects of parental involvement - namely custody, language, choice, access to information and quality assurance.

Custody

The focus of the education legislation in Newfoundland / Labrador is on the custodial aspects of the school system - and on the role of the school and its employees acting 'in loco parentis'.

An Act Respecting the Operation of Schools and Colleges in the Province (1970) does not define a "parent" (nor does any other act), however, it does address school attendance and discipline. Admission to school is available to "children who will have reached the age of 6 years on or before the thirty-first day of December of a school year" (s. 61 (1)). Earlier admission is permitted for younger children, if it has been demonstrated to the Minister that "sufficient extra-perceptual children will attend to warrant such permission being given" (s. 62 (2)).

Parental responsibilities to ensure that a child attends school regularly are identified in An Act to Amend and Revise the Law Respecting School Attendance (1978): "Every person having 'the care of a child shall unless excused by or under this Act, cause that child to attend the school at which the child is for the time being enrolled" (4). The child is excused from attendance at school on four grounds: illness; expulsion or suspension; the written

permission of the principal because, in the principal's opinion, the child will be "exposed to other experiences of significant educational and social value; the child is under efficient instruction at home or elsewhere and approval has been given by the Superintendent" (s. 8). The consequences of neglecting to ensure the attendance of a student at school include being found guilty of an offence, being liable upon summary conviction to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding 30 days, or to both (s. 11 (1)).

The process of suspension/expulsion for inappropriate student behaviour forms part of the Act Respecting the Operation of Schools and Colleges in the Province:

When a pupil fails to apply himself to his studies or does not comply with the discipline of the school or in respect of whom the principal, for any other serious reason, is of opinion that such action should be taken, the principal shall

- (a) warn him and record the date of the warning and the reason
- (b) inform, by letter, the pupil's parents or guardians that the pupil has been warned
- (c) send a copy of the letter to the appropriate superintendent and
- (d) discuss with the pupil's parents or guardians the circumstances giving cause for the warning, and if after a suitable period the pupil makes no satisfactory effort to reform....(he may be expelled by the School Board) (s. 83).

An appeal process is identified for parents in the event of a student's expulsion from school:

When a pupil has been expelled, any parent or guardian of the pupil concerned may, within 30 days after the effective date of such expulsion, request in writing directed to the Minister that such expulsion be reviewed, and the Minister shall appoint a review board....(to investigate and make recommendations to the Minister, whose decision is binding on the school board) (s. 83 (A) (1)).

With respect to student discipline, Newfoundland's legislation is unique. It is the only province that officially condones corporal punishment to deter student misbehaviour:

Teachers are permitted to administer corporal punishment in reason and with humanity, but they shall refrain from the use of it, until other means of discipline have been tried, and striking children on the head is forbidden, and corporal punishment shall not be administered to delicate or nervous children (s. 84 (1)).

Religion/Culture/Values

The existence of the denominational system of school governance in Newfoundland / Labrador results in a complex structure for the delivery of educational programs. Most of the legislation in this area is contained in An Act Respecting the Operation of Schools and Colleges in the Province. Although school boards are established along denominational lines, a School Board cannot refuse admission to a school in its jurisdiction solely on the basis that the child "is of a religious faith which is not the denomination or one of the denominations of the school, if there is no school of his own religious persuasion reasonably available to him" (s. 63). The condition "reasonably available to him" is not defined in the legislation. Additionally, parents have the right to withdraw their child from any religious instruction provided in the school:

No person shall, in any college or school aided by money granted under this Act, impart to any child attending it any religious instruction which may be objected to, in writing, by the parent or guardian of that child" (s. 64).

Under the duties of the teacher enumerated in the Act, the teacher is responsible for the teaching of courses in religious instruction as directed by the appropriate denominational authority to all students except for those whose

parents/guardians have objected in writing to such instruction (s. 81 (c)). Further, under the duties of the principal, is the responsibility to instil in students appropriate values, including "an interest in the cleanliness and tidiness of the grounds of the school" (s. 80 (2) (1)). While the legislation provides specificity in such areas as school tidiness, it does not mention under the duties of the Principal, any responsibility to consult, communicate or work with parents.

Language, Choice and Quality Assurance

There are no references within any of the acts governing education in Newfoundland/Labrador to the rights of parents in the areas of language of instruction or quality assurance. Choice of school is restricted by the decisions made by parents in declaring their denominationalism (as examined under Religion/Culture/Values).

Participation

In the Act to Consolidate the Law Respecting the Department of Education, parents are included as members of the General Advisory Committee to the Minister, however the representation is limited to "one person who shall be representative of the Newfoundland and Labrador Federation of Home and School Parent-Teacher Associations" (s. 26 (1) (g)). In the Act Respecting the Operation of Schools and Colleges in the Province, the Superintendent shall, as a duty, make "known to the public the policies of the School Board and enlist support of the public for the School Board's program" (s. 19 (0)). No distinction is drawn between the parent and the general public in these statutory provisions and the ability of parents to be directly involved in school governance or consultative decision-making at the school level would appear to be very limited.

Access to Information

The only legal requirement of the school system to communicate student progress/achievement to parents is found under the duties of teachers where, "at the conclusion of the examinations ...and at other times when directed by his School Board, (the teacher will) send to the parents or guardians of each pupil a report of the pupil's attendance, conduct and progress" (s. 81 (j)).

SYNOPSIS OF LEGISLATED PARENTAL RIGHTS

Figures 4, 5, 6, 7, 8, 9 and 10 which follow present a synopsis of the legal rights of parents in each of the areas of Custody, Religion/Culture/Values, Language, Choice, Participation, Access to Information and Quality Assurance in each of the provinces/territories. The resulting "grid" facilitates the comparison and evaluation of the provincial legislation under each heading of the classification schema, by presenting in point form the references in law which earlier were described in detail. The Figures highlight the legislative provisions in each area of rights, as well as the gaps where no legislative provisions presently exist. The Figures also indicate, in a graphic way, the provinces or territories where references to parental rights are most frequently found in the legislation governing public schools in Canada.

FIGURE 4

LEGISLATED RIGHTS IN THE AREA OF CUSTODY

	YUKON	N. W. T.	BRITISH COLUMBIA	ALBERTA	SASKATCHEWAN	MANITOBA
Definition of Parent	<ul style="list-style-type: none"> • "the biological parents, the adoptive parents by custom or otherwise, the persons legally entitled to custody, or the persons who usually have the care and control of the child" 	<ul style="list-style-type: none"> • "guardian or other person having charge of a child" 	<ul style="list-style-type: none"> • "the guardian of the person of the student or child" • the person legally entitled to custody of the student or child or who usually has the care and control of the student 	<ul style="list-style-type: none"> • "the biological parent or if the student is an adopted child, the adoptive parent" • identifies a variety of guardianship situations 	<ul style="list-style-type: none"> • no definition of 'parent' • guardian defined as "a person who is not the natural parent of a child and who has been made responsible for the care of that child" 	<ul style="list-style-type: none"> • no definition of 'parent' • legal guardian is defined as "a person appointed or recognized as the guardian of a child under the Child and Family Services Act"
Custodial Parent	<ul style="list-style-type: none"> • not defined 	<ul style="list-style-type: none"> • not defined 	<ul style="list-style-type: none"> • identified as "the person legally entitled to custody" 	<ul style="list-style-type: none"> • "has care and custody of a student under a court order or written agreement" 	<ul style="list-style-type: none"> • not defined 	<ul style="list-style-type: none"> • not defined
Student Attendance	<ul style="list-style-type: none"> • mandatory attendance unless excused by the Superintendent • exceptions not listed • sanctions on parents for non-attendance identified 	<ul style="list-style-type: none"> • mandatory attendance unless excused by the principal "to participate in traditional native activities" • no sanctions identified 	<ul style="list-style-type: none"> • mandatory attendance • no specific reference to parental responsibility for non-attendance 	<ul style="list-style-type: none"> • truancy may be referred by the School Division to an Attendance Board for a hearing 	<ul style="list-style-type: none"> • identifies student responsibilities for continued attendance • parents are responsible for regular attendance • sanctions on parents for non-attendance • exemptions listed • provides for an attendance counsellor in every board • principal must inform parents and give opportunity to respond 	<ul style="list-style-type: none"> • every child between 6 and 21 must attend school regularly unless specifically excused in writing by the Minister • exceptions listed • school attendance officer notifies the parents of consequences of truancy • sanctions on non-complying parents
Student Behaviour/ Suspension	<ul style="list-style-type: none"> • section on Student Rights & Responsibilities outlines appropriate/inappropriate behaviours • Principal may suspend for 2 days, must inform parents and hold a meeting with them • suspension can be appealed to Tribunal 	<ul style="list-style-type: none"> • no specific reference 	<ul style="list-style-type: none"> • parents share a liability for damage to school property by their students • no specific reference to student misbehaviour and/or suspension 	<ul style="list-style-type: none"> • process following a suspension or expulsion is identified, including written notice to parents and an appeal mechanism • the Minister may be requested to review an expulsion 	<ul style="list-style-type: none"> • appeal process of parental consultation and involvement of the Superintendent • Principal may establish a committee of staff and consultants to review and recommend re pupil's behaviour 	<ul style="list-style-type: none"> • provides a process for suspending a student by the Superintendent for up to 6 weeks for conduct injurious to the welfare of the school

FIGURE 4 continued

LEGISLATED RIGHTS IN THE AREA OF CUSTODY

	ONTARIO	QUEBEC	NEW BRUNSWICK	NOVA SCOTIA	P. E. I.	NFLD/LABRADOR
Definition of Parent	<ul style="list-style-type: none"> no definition of 'parent' 'guardian' defined as "a person who has lawful custody of a child, other than the parent of the child" 	<ul style="list-style-type: none"> 'parent' is defined as "the person with parental authority, or the person who has assumed guardianship of the student" 	<ul style="list-style-type: none"> no definition of 'parent' 'guardian' = person who has received into the person's home and has had placed under the person's care and control another person's child 	<ul style="list-style-type: none"> 'parent' = "father or mother of the child or a person standing in the position of parent to the child" 'guardian' is defined as a "person acting 'in loco parentis' to a child" 	<ul style="list-style-type: none"> no definition of 'parent' 'guardian' = "person who has received into his home and who has had placed under his care and control another person's child" 	<ul style="list-style-type: none"> no definition of 'parent'
Custodial Parent	<ul style="list-style-type: none"> not defined 	<ul style="list-style-type: none"> not defined 	<ul style="list-style-type: none"> not defined 	<ul style="list-style-type: none"> 'person in charge' a person over the age of 19 years with whom a child lives or who controls or has the apparent charge of a child" 	<ul style="list-style-type: none"> not defined 	<ul style="list-style-type: none"> not defined
Student Attendance	<ul style="list-style-type: none"> places responsibility for truancy on the student mandatory for every child aged 6 to 16, unless he/she is excused from attendance provides for a hearing process to deal with parent reasons for non-attendance 	<ul style="list-style-type: none"> mandatory attendance from ages 6 to 16 provides a list of exemptions from attendance requires parents to take the "necessary steps to ensure" that the student attends school Principal to notify parents re absences and agree on appropriate measures 	<ul style="list-style-type: none"> provides for free school privileges for students from 6 to 20 years of age parents must immediately cause the student to attend school, when notified of the child's absenteeism parents who do not comply will be liable to a fine, or their child may be placed in protective care 	<ul style="list-style-type: none"> provides for universal access to school for every person from 5 to 21 years parents are required to cause the child to attend school a parent who has been served notice of absenteeism and who fails to return the child to school within 5 days, faces a series of penalties 	<ul style="list-style-type: none"> provides for free school privileges and necessary transportation for every child from 6 to 20 years of age parent is legally responsible to ensure the attendance of a child at school and a parent who neglects that duty is guilty of an offence 	<ul style="list-style-type: none"> provides for attendance of children who have reached the age of 6 requires the parent to ensure attendance parents neglecting to ensure attendance are guilty of an offence exemptions from attendance are identified
Student Behaviour/ Suspension	<ul style="list-style-type: none"> Principal must notify parents in writing of suspension Principal may suspend a student for a period determined by the Board for a variety of identified misbehaviours 	<ul style="list-style-type: none"> the Principal may, for "just and sufficient cause", and after hearing the 'parents' story, transfer or expell or enroll the student no appeal process described 	<ul style="list-style-type: none"> School Board may suspend a student "for cause" provides for parental appeal of a suspension but does not identify a process 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> School board may suspend or expell a pupil "for cause" Principal may suspend a pupil who is "persistently disobedient or addicted to any vice likely to affect injuriously .. other pupils" student may appeal the suspension within 7 days the process of hearing the appeal is identified 	<ul style="list-style-type: none"> Principal may expell a student for "serious reason", after informing the parent corporal punishment permitted appeal process is identified allows for the Minister to appoint a review board to investigate the expulsion

FIGURE 5

LEGISLATED RIGHTS IN THE AREA OF RELIGION / CULTURE / VALUES

	YUKON	N. W. T.	BRITISH COLUMBIA	ALBERTA	SASKATCHEWAN	MANITOBA
Religious Instruction	<ul style="list-style-type: none"> • no specific reference 	<ul style="list-style-type: none"> • offered where 50% of the students or parents of the same religion present a request for instruction in the school 	<ul style="list-style-type: none"> • no specific reference 	<ul style="list-style-type: none"> • no specific reference 	<ul style="list-style-type: none"> • policies authorized by the Board of Trustees • Instruction not to exceed 2 1/2 hours per week and may be delivered in a language other than English 	<ul style="list-style-type: none"> • provided for when a petition requesting religion instruction is presented to the Board by parents of at least 10 children attending the school
Religious Exercises	<ul style="list-style-type: none"> • no specific reference 	<ul style="list-style-type: none"> • decision left to the local education authority 	<ul style="list-style-type: none"> • no specific reference 	<ul style="list-style-type: none"> • no specific reference 	<ul style="list-style-type: none"> • no specific reference 	<ul style="list-style-type: none"> • provided for when parents of either 75% (or over 60) pupils present a petition to the School Board
Minority Rights	<ul style="list-style-type: none"> • respects "the rights and privileges enjoyed by minorities" within the law 	<ul style="list-style-type: none"> • staffing for professional and non-professional positions should be reflective of ethnic and cultural backgrounds 	<ul style="list-style-type: none"> • no specific reference 	<ul style="list-style-type: none"> • no specific reference 	<ul style="list-style-type: none"> • provides for the establishment of a separate school division when a minority of voters (Protestant or Roman Catholic) petition for such a division 	<ul style="list-style-type: none"> • no specific reference
Multicultural Education	<ul style="list-style-type: none"> • Curriculum must include an understanding of all Yukon First Nations and their changing role in society 	<ul style="list-style-type: none"> • Specific recognition through inclusion in the curriculum of ethnic and cultural variation 	<ul style="list-style-type: none"> • no specific reference 	<ul style="list-style-type: none"> • Preamble states that consideration should be given to the "diverse nature and heritage of society in Alberta" in making educational decisions 	<ul style="list-style-type: none"> • no specific reference 	<ul style="list-style-type: none"> • no specific reference
Family Values	<ul style="list-style-type: none"> • Preamble affirms the importance of the family 	<ul style="list-style-type: none"> • consultation with the local education authority or community education council in planning to include local cultures in curriculum 	<ul style="list-style-type: none"> • no specific reference 	<ul style="list-style-type: none"> • Preamble speaks of decision-making by educators, based "within the context of its common values and beliefs" 	<ul style="list-style-type: none"> • no specific reference 	<ul style="list-style-type: none"> • no specific reference

FIGURE 5 continued

LEGISLATED RIGHTS IN THE AREA OF RELIGION / CULTURE / VALUES

	ONTARIO	QUEBEC	NEW BRUNSWICK	NOVA SCOTIA	P. E. I.	NFLD/LABRADOR
Religious Instruction	<ul style="list-style-type: none"> • provides for "such religious instruction as the parent or guardian (or the student if an adult) desires" • provides for opt-out from religious instruction 	<ul style="list-style-type: none"> • the student (or parent of a student in elementary school) has the right to choose between Catholic or Protestant religious instruction • the student may choose instruction in a different religion, wherever such instruction is offered 	• no specific reference	• no specific reference	• no specific reference	<ul style="list-style-type: none"> • school Boards are established along denominational lines • parents may withdraw their student from any religious instruction provided by the school
Religious Exercises	• no specific reference	• pastoral activities and studies may be provided by the school	• no specific reference	• no specific reference	• no specific reference	• no specific reference
Minority Rights	• no specific reference	• the school division may, after consulting with Advisory Council and School Committee, offer moral and religious instruction in a faith other than Catholic or Protestant	• no specific reference	• no specific reference	• no specific reference	• no specific reference
Multicultural Education	• no specific reference	• no specific reference	• no specific reference	• no specific reference	• no specific reference	• no specific reference
Family Values	• Teacher is required to "inculcate by precept and example, respect for religion and the principles of Judaeo-Christian morality" and numerous virtues	• no specific reference	• no specific reference	• no specific reference	• no specific reference	• the Principal is responsible for instilling in students the appropriate values

FIGURE 6

LEGISLATED RIGHTS IN THE AREA OF LANGUAGE

	YUKON	N. W. T.	BRITISH COLUMBIA	ALBERTA	SASKATCHEWAN	MANITOBA
Official languages	<ul style="list-style-type: none"> requires the knowledge of at least one language other than English 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> "every student is entitled to receive an educational program that is provided in the English language" 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> provides for the student, at the request of the parent, to attend a designated school in which French is the principal language of instruction opt-out clause allows a parent to withdraw a student from a program/class where the language of instruction is other than English 	<ul style="list-style-type: none"> provides for English and French as the languages of instruction provides for access to the Francophone S.D. #49 for "entitled persons"
Heritage languages	<ul style="list-style-type: none"> Curriculum provides an "understanding of the history, language, cultural rights and values of the Yukon First Nations" 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> reference to Section 23 of the Canadian Charter of Rights and Freedoms Subject to the approval of the Minister, an educational program may be provided in another language 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> provides for instruction in languages other than French and English when authorized by the school board and comprising less than 50% of the regular school hours
Minority languages	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> reference to Section 23 of the Canadian Charter of Rights and Freedoms Subject to the approval of the Minister, an educational program may be provided in another language 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> provides for instruction in languages other than French and English when authorized by the school board and comprising less than 50% of the regular school hours

FIGURE 7 continued

LEGISLATED RIGHTS IN THE AREA OF CHOICE

	ONTARIO	QUEBEC	NEW BRUNSWICK	NOVA SCOTIA	P. E. I.	NFLD/LABRADOR
Choice of School	<ul style="list-style-type: none"> provides for choice of either the public or the separate school system 	<ul style="list-style-type: none"> provides for parental choice of school "from among the schools within the school division in which he is a resident" subject to enrollment criteria and transportation eligibility) 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> A School Board cannot refuse admission to a school in its jurisdiction of a child not of the same denomination if there is no other school "reasonably available to him"
School/School Division Boundaries	<ul style="list-style-type: none"> provides for the student to attend a more accessible school in an adjoining school division with home division reimbursing the fee 	<ul style="list-style-type: none"> the Parents' Committee must be consulted regarding "the division, annexation or amalgamation of the territory of the school division" 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference
Home Schooling	<ul style="list-style-type: none"> provides for absence from school while "receiving satisfactory instruction at home" 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference
Transportation	<ul style="list-style-type: none"> provides for board, lodging and transportation from residence to school where the student is more than 24 kms by road or rail from a secondary school 	<ul style="list-style-type: none"> provides for a consultative Committee on Transportation, including parents, to advise the Board of Trustees 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference
School closure	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> the Parents' Committee must be consulted on the issue of maintaining or closing of a school 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference

FIGURE 9

LEGISLATED RIGHTS IN THE AREA OF ACCESS TO INFORMATION

	YUKON	N. W. T.	BRITISH COLUMBIA	ALBERTA	SASKATCHEWAN	MANITOBA
Student Files	<ul style="list-style-type: none"> files available to parents and students over the age of 16 records may be examined and copied parents may challenge the record and request correction 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> provides for parents to be informed of student attendance, behaviour and progress in school permits examination of student records by parent and student accompanied by Principal 	<ul style="list-style-type: none"> provides for parental access to student records and interpretation of test results by "a person who is competent in the particular testing procedures" may request correction of inaccuracies 	<ul style="list-style-type: none"> provides for access to student records "under any conditions that may be prescribed by the board of Education to parents and/or students over 16 years of age" 	<ul style="list-style-type: none"> provides for access to information contained in any file record kept at the school office or school board to parents and/or pupils over 18 years principal must assist with an interpretation
Teacher Interviews	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference
Report Cards	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> school board must prepare and make available to parents an annual report re the general effectiveness of educational programs in the district. no specific reference to student report cards 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> provides for teachers to report regularly to the parent with respect to the student's progress and any circumstances or conditions of concern 	<ul style="list-style-type: none"> the teacher must provide the parent with reports of the pupil at the times and in the manner determined by the school board
Confidentiality/ Privacy	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference
Appeal Process	<ul style="list-style-type: none"> entitled to appeal decisions that affect the education, health or safety of their children 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> an appeal process is established to allow students/parents to appeal a disciplinary or evaluation decision of the school board 	<ul style="list-style-type: none"> provides for appeal to the Minister of a Board's decision re placement 	<ul style="list-style-type: none"> provides for procedures to be followed in the event of a conflict/difference of opinion between the student and the school 	<ul style="list-style-type: none"> no specific reference

FIGURE 9 continued

LEGISLATED RIGHTS IN THE AREA OF ACCESS TO INFORMATION

	ONTARIO	QUEBEC	NEW BRUNSWICK	NOVA SCOTIA	P. E. I.	NFLD/LABRADOR
Student Files	<ul style="list-style-type: none"> provides for a parent to examine the record of a student - no process is identified 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> provides for parent access to student records interpretation is provided only if the Board believes it is necessary the school board retains the right to deny access 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference
Teacher Interviews	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference
Report Card	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> the teacher is required, at the conclusion of examinations and as directed by the School Board, to send to the parents a report of the students attendance, conduct and progress
Confidentiality/ Privacy	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference
Appeal Process	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> parent may appeal a denial to access student files to the School Board parent is entitled to "verbal information" by the School Board re the educational progress of the student 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference 	<ul style="list-style-type: none"> no specific reference

FIGURE 10

LEGISLATED RIGHTS IN THE AREA OF QUALITY ASSURANCE

	YUKON	N. W. T.	BRITISH COLUMBIA	ALBERTA	SASKATCHEWAN	MANITOBA
Curriculum	• Basic skills are defined in seven development areas	• parental participation inferred	• no specific reference	• no specific reference	• provides for "a program of instruction consistent with the student's educational needs and abilities"	• no specific reference
Textbooks/ Materials	• no specific reference	• no specific reference	• no specific reference	• no specific reference	• no specific reference	• no specific reference
Standards/ Promotion/ Retention	• no specific reference	• no specific reference	• parental appeals re student placement inferred via the appeal process for Board decisions	• provides for an appeal to the Minister re student placement	• no specific reference	• no specific reference
Gifted Education	• no specific reference	• no specific reference	• no specific reference	• no specific reference	• provides for enriched programming to be developed for gifted students • parental involvement is required for all investigative procedures	• no specific reference
Special Education	• no specific reference	• no specific reference	• no specific reference	• provides for establishment of a special Needs Tribunal to rule on a Board's ability to provide an appropriate educational program for a student with special needs (Minister is the last appeal route after decision by Tribunal)	• provides for instruction consistent with each pupil's educational needs • exclusion from the regular classroom may occur	• no specific reference

FIGURE 10 continued

LEGISLATED RIGHTS IN THE AREA OF QUALITY ASSURANCE

	ONTARIO	QUEBEC	NEW BRUNSWICK	NOVA SCOTIA	P. E. I.	NFLD/LABRADOR
Curriculum	• no specific reference	• Parent Committee to be consulted on the methods of implementing curriculum	• no specific reference	• no specific reference	• School Board requests a supplementary program, and community response determines the program viability	• no specific reference
Textbook/ Materials	• no specific reference	• every student is entitled to free textbooks and resources • student is responsible for loss of a book	• parents are expected to equip a pupil with the required textbooks and materials	• no specific reference	• no specific reference	• no specific reference
Standards/ Promotion/ Retention	• no specific reference	• The Parent Committee advises the school division on the standards of evaluation and policies re promotion/retention	• student promotion is "regulated" at the school board level • parents can appeal a decision re placement or promotion • no process for appeal is identified	• no specific reference	• no specific reference	• no specific reference
Gifted Education	• no specific reference	• no specific reference	• no specific reference	• no specific reference	• no specific reference	• permits the admission of children younger than age 6 if they are demonstrated to be "extra-perceptual"
Special Education	• provides for "appropriate" special educational programs • A Special Education Tribunal hears appeals of placement re "hard-to-serve pupils"	• School Division must establish a Consultative Committee for Services for Handicapped Students including parents	• provides for consultation with parents during determination of the program and access to specialized programs out-of-division • integration into the	• no specific reference	• the Minister, after consultation with the School Board, may provide free school privileges for a child with special needs at a location other than the home school	• no specific reference

CHAPTER V

DISCUSSION OF THE FINDINGS

This analysis of parental rights within the public school systems of the Canadian provinces and territories was undertaken to collate current data regarding the types of rights enshrined by law in the various provincial jurisdictions and to draw comparisons among and between those jurisdictions regarding the quantity and quality of the parental rights. The analysis by Yvonne Martin (1992) provided a starting point from which to evaluate one aspect of those rights --- parental participation in decision-making. Martin's study, however, did not address several other key areas of parental involvement - specifically custody, religion/culture/values, language, choice, access to information and quality assurance. To develop a more comprehensive comparison and evaluation of provincial education legislation with regard to parent rights, it was necessary to examine each of these critical areas.

Chapter IV of this study identified the statutory provisions for parental rights and responsibilities in provincial and territorial education legislation. This chapter begins with a review of parental rights clustered in each of the areas of the classification scheme, and draws comparisons among the various provinces/territories in terms of the entitlements parents currently possess. Subsequently, an evaluative analysis is presented which attempts to judge the efficacy of the legislation by applying certain criteria used by Martin (1992) in her earlier, but more narrowly-focused, work. Finally, based on the comparative and evaluative analyses, some recommendations are developed for the enhancement of parental rights as they pertain to the education of children and

young people in the public school systems of this country. These recommendations are found in Chapter VI.

COMPARATIVE ANALYSIS OF PARENTAL RIGHTS

A comparison of education legislation from Canada's ten provinces and two territories reveals an uneven and inconsistent recognition of parental rights and entitlements. The legal rights afforded a parent in the Yukon are significantly different from the legal entitlements of parents in Newfoundland/Labrador. The differences are apparent, province-to-province, in every area examined in the classification scheme -- custody, religion/culture/values, language, choice, participation, access to information and quality assurance. Despite the fact that recent government documents and policy statements from every jurisdiction stress the desire and need for increased parental involvement in the school system, the rhetoric of those documents does not gain expression in the legislation examined.

Custody

The area of parent rights and responsibilities that receives the greatest attention in legislation is Custody. Every provincial and territorial education act lists the legal responsibilities of parents to ensure the regular attendance of a student at school and most specify the consequences that parents will face in the event of non-compliance. The failure to ensure the compulsory attendance of a child constitutes a punishable offence in Canadian provinces and territories. The custodial role of parents has been expanded to include

responsibility for such in-school student behaviours as maintenance of lockers, textbooks and supplies; compliance with school rules and codes of conduct; and appropriate dress and demeanour.

Most legislation is clear on the authority of the Principal and/or Superintendent to suspend a student for cause -- only two jurisdictions, Northwest Territories and Nova Scotia -- do not specifically identify the consequences of student misbehaviour. As public schools across Canada struggle to curb the alarming rise in incidents of fighting, assault and destructive behaviours in the student population, they are beginning to implement Freedom from Violence policies based on the notion of 'zero tolerance' of student aggression. With increasing frequency, school administrators are using suspension from school as a consequence for unacceptable student behaviours and to 'set an example' for other students who might be tempted to imitate the negative behaviours. If the student misbehaviour is considered serious enough by the school and district administration, the student may be expelled not only from his/her home school but also from every other school in the division or district. Neighbouring school divisions are reluctant to admit a non-resident student with a history of violent or anti-social behaviour, and, as a result, there are a number of students whose parents try one school division after another, seeking entry for their student.

It is not clear how the imposition of penalties on the parents of truant or disruptive students will translate into improved student behaviours. Although home and community influences have a major effect on the overall health and well-being of the student, his/her in-school behaviours are controlled by attitude and ability to cope with anger or conflict. Levying fines or jail sentences

on parents for the lack of controlled behaviours of their students, does not seem a particularly efficacious means of effecting lasting positive changes; nor does it seem to foster the collaborative, cooperative approach to problem-solving needed between school and home.

Provincial/territorial legislation is uneven in its identification of due process for parents who feel aggrieved by the school or school division over the treatment of their child. Yukon, Alberta, Saskatchewan, Ontario, New Brunswick, Prince Edward Island and Newfoundland/Labrador identify within their school legislation the process for appeal that is available to parents and students. Some jurisdictions have established special mechanisms to hear appeals from parents or students regarding disciplinary measures -- for example, the Yukon has established an Education Appeal Tribunal with the responsibility and powers to rule on any disciplinary action taken or not taken by a school division. In Alberta, the Minister is the route of appeal for parents, and in Newfoundland /Labrador, the Minister may appoint a review board to investigate the expulsion.

Provincial legislation does not indicate the role that the school should continue to play, if any, when a student suspension is in effect. Given the fact that schools are in the business of educating young children, and given that it is the nature of children to make mistakes, there should be some evidence of the caring and nurturing role of the school during a student's suspension from class for misbehaviour. Suspension of attendance from the school setting for a finite period is a legally recognized punishment, but school-based practices such as the with-holding of assignments, counselling or credit during that same period may amount to double jeopardy but the legislation examined did not usually

include clearly articulated appeal processes and re-entry conditions to deal with such circumstances.

By sending a child to school, the parent authorizes the teacher, 'in loco parentis', to administer reasonable punishment for the breach of a reasonable rule. To the extent that the force used by a teacher is excessive or unreasonable, the educator may be subject to either civil or criminal liability. Only one province (Newfoundland/Labrador) legitimizes corporal punishment as a means of maintaining discipline or compelling compliance. In this age of individual rights, it would be difficult to justify any use of physical force by an adult over a child.

One jurisdiction, the Yukon, includes a section (Division 6) on "Student Rights and Responsibilities." That Division outlines student rights including access to a free educational program, to student records, fair treatment, freedom of opinion and freedom from corporal punishment. It also identifies some student duties and responsibilities that balance those rights.

In the area of Custody, it is also problematic that there is no common legal definition of "parent" in use across Canada. Nor is there recognition within the education legislation of the variety of parental/ custodial/ guardian/ placement situations that exist in our society. Schools today receive students from a myriad of family backgrounds and configurations. It is often difficult for the school teacher and/or administrator to identify and respond to the legal entitlements of each of the family players in a child's life. However, clear guidelines typically do not exist within provincial legislation to clarify what the various members of today's family arrangements can reasonably expect from the school in terms of access to the school, information of student progress and

emergency contact.

Religion/Culture/Values

In the area of Religion/Culture/Values, there is scant recognition within the legislation of the role of the public education system in the support and perpetuation of the cultural religious and linguistic heritage of Canada's peoples. The impact of the Charter of Rights and Freedoms and recent Supreme Court decisions regarding the holding of religious exercises in public schools is being felt in the rewriting of some statutes across this country. Thus, there is a movement in the public school system away from whole-school religious exercises, with an opt-out clause for non-practising parents and students, toward smaller-scale activities/exercises for those students whose parents "opt-into" the exercises, usually through a parent-sponsored petition.

In territories/provinces with large numbers of First Nation families and students, the legislation is more specific in terms of the role of education in the preservation and perpetuation of the aboriginal heritage and culture. For example, both Yukon and Northwest Territories include requirements that local customs and values be considered in everything from the development of the curriculum to the hiring practices of the local educational authority. It is important to note that in a country as polyglot as Canada, there is specific reference in the legislation of only one jurisdiction - Yukon - to the rights of minority students within the school system. Further, only three areas - Yukon, Northwest Territories and Alberta - acknowledge in their education legislation, the role of multicultural education.

Except where separate or denominational schools are provided for in provincial law, there is little mention in any provincial legislation of the "values"

that parents can expect to be instilled or reinforced in their students in the school. The dilemma for many public school authorities is that the family's religion, customs and values are not the same as, and may even be at odds with, the religion, customs and values of the teacher. The legislation of three jurisdictions - Alberta, Ontario and Newfoundland/Labrador - requires the teacher or Principal to model 'appropriate' values without fully defining the nature of those values.

The shift from a school system based on Judaeo-Christian values and beliefs, to one accommodating world-religions and cultural beliefs, has resulted in the identification within provincial curricula of universal values that can be supported by all and cause offence to none. That conceptualization has not been translated into supporting legislation, however, and the school calendar, set each year by the Minister in each province, continues to favour Christianity as the dominant religion.

Language

In the area of Language, the legislation focuses on the right of a parent to obtain education for his/her student in either or both of the two official languages of the country - English and French. In the territories, where the first language of the majority of parents is neither English nor French, there are no legal guarantees that the aboriginal languages will be preserved through the school system; only a commitment to provide "an understanding" of the history, language and cultural rights and values of the First Nations people.

Even in provinces where heritage languages such as German, Ukrainian, Russian, Hebrew, Mandarin and Filipino (for example, in Manitoba, Saskatchewan and Alberta and British Columbia) form the language of

instruction for part of the day, the entitlements to such instruction are not clearly spelled out in the legislation. As Canada moves rapidly and inexorably into a global market economy, and as employment opportunities are linked more directly to fluency in languages used by Canada's Eastern European and Asia-Pacific trading partners, parents may demand that more language programs be offered in the public school system, and that the access of their children to those programs be ensured, via legislated rights.

Choice

Parental rights in the area of Choice are becoming a contentious issue in public school systems across Canada. Particularly in urban centres, where schools are beginning to take on specific cultural features as a result of immigration or migration to the area, parents are becoming more demanding of their rights to "choose" the most appropriate school for their student. Only two provinces - British Columbia and Quebec - provide for parental choice of school, and even that choice is limited to schools within the school division of residence.

The implementation of 'choice' is especially problematic for the school administrator in that it tends to exacerbate the trend toward the ghettoization of inner-city schools. The migration of upwardly-mobile parents to suburban schools creates an imbalance in class sizes and ethnic mix in schools that are "high choice" vs. "low choice". Parental exercise of "Choice" also raises issues of transportation costs and competition for students among schools at a time when educational resources are stretched to the limit.

The enforcement of school boundaries, although arbitrary and limiting to the parent and student, provides the school division administration with a means of balancing enrolments, maintaining equitable class size and ensuring an ethnic

and cultural blend of students. The preservation of such boundaries does, however, place limitations on the right of parents to select the public school that they feel would be most compatible with their own beliefs and values and most conducive to the effective learning of their students. In some provinces, the emergence of "magnet" or specialty schools (for example, those housing the International Baccalaureate, Creative Arts, Vocational Education and Immersion programs) is changing the concept of the 'community school'.

The right of parents to withdraw their students from the formal public school system in favour of home schooling is inscribed in the legislation of only 5 provinces and territories (Yukon, British Columbia, Alberta, Manitoba, and Ontario) and differences are evident in the stipulations, types of support and models for monitoring that are imposed by the educational authorities in these various jurisdictions.

On the home schooling issue, governments are caught in a legal and moral dilemma that requires them to uphold the right of parents to make decisions regarding the most appropriate kind of education for their children and yet to ensure the right of the student to an education comparable to that of students in the public school system. The degree of government involvement and/or oversight of home schooling varies greatly from province to province. No mechanism is identified, for example, for the Department Field Representative in Manitoba, to determine whether the child being homeschooled is, in fact, receiving a standard of education equivalent to that provided in the public system.

A topic that weighs heavy on the agendas of many rural and northern school divisions in this sparsely populated country, is the access to and delivery of,

transportation services. Only four provinces -- Saskatchewan, Manitoba, Ontario and Quebec -- make reference to the right to student transportation in their education legislation.

In these times of rural depopulation and declining birthrates, another issue of major concern to small communities across Canada is school closure. The local school, especially the high school, is seen as a cornerstone of the community -- a tangible symbol of its viability. School systems are caught in the dilemma of trying to maintain small community schools while attempting to meet the educational needs of students by offering as full and comprehensive range of programs as possible. The rights of parents to a voice in the process of school maintenance or closure are alluded to in the legislation of only one jurisdictions -- Quebec.

Participation

The area in which there is great disparity among the rights of parents in Canada's provinces and territories is parental participation/involvement in decision-making at the school level. Six provinces/territories - Yukon, Northwest Territories, British Columbia, Alberta, Saskatchewan and Quebec -- provide for the establishment of parent advisory councils province-wide, and Manitoba provides for the Minister to appoint division and local parent committees in the largest geographic area, Frontier School Division #48 and requires the new Francophone School Division to establish a School Committee in each school. Much of the legislation regulating parental participation in school governance is permissive rather than compulsory -- only Quebec requires the establishment of a School Committee and Advisory Council at the school level, and a Parents committee at the division/district level.

Despite the fact that the establishment of parent advisory councils is mandated in only one province, there is, nonetheless, a growing, public sympathy for the structured involvement of parents in school-based organizations. In Manitoba, for example, a survey conducted by the Manitoba Association of School Trustees in October, 1994, (see Appendix A) demonstrates that the majority of school divisions in the province has parent councils in place, despite the lack of legislation compelling them.

When parent/school committees are identified in legislation, they are generally of an advisory nature, providing recommendations on specific or as-requested issues to the Principal, Superintendent or Board of Trustees. The Quebec legislation is by far the most specific in terms of the structure, mandate, membership, powers and function of its advisory and parent committees.

The variety of legislated approaches evidences the fact that parent empowerment is problematic from several perspectives - not the least of which is the historical tension between parents and schools. That dynamic - where schools are seen as housing the experts who could tell families how to raise their children - is, ironically, present even in recent government documents, such as those coming out of the province of Quebec. The booklet Joining Forces - Plan of Action on Educational Success (1992), includes a section entitled "Strengthening Parents' Commitment" which defines the role of parents in terms of supporting school programs and activities by "taking the time to look at the child's report card and offering congratulations or words of encouragement, accepting the school's invitation to meet with teachers, to come to the school to get their child's report card or to attend special events such as an annual concert or a parents' general assembly" (p. 25). Such a

patronizing view of parental "involvement" works against establishing a role for parents in the authentic decision-making activities of the school.

Legislation mandating parental involvement cannot guarantee the quality of that involvement. Only two jurisdictions -- Yukon and Ontario -- make legislated provision for parents to visit their student's classroom to observe the activity. The lack of mention of accessibility or openness of the classroom to the parent leads inevitably to unflattering comparisons such as the one Callwood (1967) has made, namely, that the activities of a school classroom are as jealously guarded as those of a surgical theatre where open-heart surgery is in progress.

The majority of provinces/territories (seven) provide no mechanism for consultation or collaboration between parents and the administrators of the system, other than through the Parent Advisory Committee structure. There is no mention in any of the provincial legislation of the phenomenon of parent volunteerism in the schools, a role for Canadian parents that is rooted in history.

Access to Information

Legislated rights of parents in the area of access to information regarding their student vary considerably across Canada. Seven provinces/territories (Yukon, British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and New Brunswick) legislate the right of a parent to gain access to student data, records or test results. Only two provinces (Alberta and Manitoba) mandate that there be a knowledgeable person available to parents (in Manitoba it is specified as the Principal) to provide assistance with the interpretation of the materials contained within the file. New Brunswick permits the school board to deny parents' access to a student's files.

Other mechanisms of accountability that would allow parents to gauge student performance and achievement -- for example, teacher interviews and report cards -- are not legislated in the majority of jurisdictions. There are no legislated assurances to parents that their own or their student's personal, medical or financial information will be kept confidential within the school system. The rights to privacy do not appear in the education legislation of any jurisdiction.

Legislation in only five jurisdictions (in Yukon, British Columbia, Alberta, Saskatchewan, and New Brunswick) provides for an appeal process, whereby the parent may seek resolution to a conflict over matters concerning the education, health or safety of their children. In most of that legislation (Yukon, British Columbia, Saskatchewan and New Brunswick) where an appeal process is identified, the appeal is heard by the school board; however, Alberta provides for an appeal directly to the Minister of Education.

Quality Assurance

The area that should be of critical concern to all Canadian parents -- Quality Assurance -- is given scant attention in the legislation of most provinces and territories. The right to be assured that the highest quality educational programs and opportunities will be presented to students is not expressed. The right of every parent to expect that his/her child will have achieved basic literacy, numeracy and communication skills by the time of graduation from secondary school is nowhere guaranteed.

Ironically, there is not a single piece of education legislation that defines what education is and what a 'basic education' means within the public school system. There is a lack of specificity in the legislation regarding the goals and

objectives of the public school system, and there is no requirement in any jurisdiction for a school to develop a mission statement that will clearly signal to students, their parents and the larger community, what the school stands for. The closest that any jurisdiction comes in terms of stating what parents should reasonably expect for their child from a public school education is the legislation from the Yukon, where the basic skills are defined within seven areas for development.

Quebec parents possess the strongest rights in terms of participation in the development of curricula, implementation of programs and determination of standards and norms. The Parents' Committee in each school division must be consulted on curricular changes in the system. Parents in Prince Edward Island can, through the strength of cooperative action, confirm or condemn a proposed program of study. The legislation provides that, in response to a request from a regional school board to implement a supplementary program of study, the Minister must publish the relevant facts in the newspaper and await community reaction. In this case, community response apparently determines the viability of the program, though there is no precision on this.

The role of parents in the determination of the textual materials and resources that will be used in the classroom is nowhere defined in legislation. Nor is there a process identified within the legislation (other than via Parent Advisory Councils in the provinces in which they function) for a parent to challenge curricula or textbooks in the light of personal or community values.

Most of the legislation regarding standards/promotion and retention is after-the-fact entitlement. For example, in British Columbia, Alberta, and New Brunswick, parents have the right to appeal a decision regarding the promotion

or retention of their student, after the decision has been made at the school or school board level. Only Quebec provides for parents to be part of the decision-making process regarding policies for the promotion or retention of students, through the Parents' Committee in each school division.

Parental rights in the determination of the most appropriate placement for exceptional children have been strenuously sought after and debated in the last decade. Parents whose students are at either end of the exceptionality spectrum (the gifted/talented student or the student with severe learning/physical disabilities), have argued that they best know their child's capabilities, and are, therefore, in the best position to identify the most stimulating learning environment. Parental rights that have been achieved to date are not evident in the education legislation, but, rather, are found within the policies and support documents developed by ministries of education across the country. Only Saskatchewan legislates that enrichment programming be developed for the gifted student, "where a teacher or parentconsiders that the ordinary program of instruction is insufficient to employ the superior capabilities/talents/interests" (s. 178(c)). In Saskatchewan, for both gifted and special needs students, parental involvement is required for all diagnostic and investigative procedures.

In the controversial area of programming for students with special needs, six provinces do not identify parental rights within the legislation (Yukon, Northwest Territories, British Columbia, Manitoba, Nova Scotia and Newfoundland /Labrador). Saskatchewan provides for a "program of instruction consistent with each pupil's educational needs and abilities", ideally through the mainstreaming into the regular classroom environment, although "exclusion

from the regular classroom may occur when the student's presence is detrimental to the education and welfare of other pupils in attendance" (s. 184). Three provinces (Alberta, Ontario, Quebec) have established Tribunals or Consultative Committees to deal with particularly difficult placement decisions or parental appeals of school placement decisions.

EVALUATIVE ANALYSIS OF PARENTAL RIGHTS

Chapter III of this study introduced Martin's analysis of legislative provisions for parental rights in the provinces of British Columbia, Alberta and Quebec (1992). While Martin focussed on three provinces, this study expanded her work by examining and evaluating the accommodation of parental participation in all provinces and territories. The general efficacy of the educational legislation in each province was evaluated using the seven criteria of efficacious legislation identified by Martin (1992) earlier. Thus, this evaluative analysis focused upon whether or not general policy objectives were precise enough; whether the form of legislation was appropriate to the ends sought; whether incentives or disincentives increased the likelihood of genuine parental involvement; whether the legislation involved realistic decision rules to facilitate implementation; whether the legislation contained procedures for the enforcement of parental entitlements; whether the legislation provided for continuing oversight of the implementation of parental entitlements and the mechanisms for securing them; and whether the legislation provided an adequate level of funding to ensure the achievement of statutory objectives.

Overall, the education legislation in Canadian provinces and territories is inadequate as a support for parental participation, applying Martin's seven criteria of assessment. In the two territories - the Yukon and Northwest Territories - the policy objectives for parental involvement are stated in the legislation as recognition of the value of establishing meaningful partnerships between parents and the schools. In each case, however, the only mechanism for such partnership is the School Committee (Yukon) or Community Education Committee (Northwest Territories).

Further, in the Northwest Territories, although the Education Act claims the objective of promoting the cultural values and priorities of its residents, the legislation lacks the specific wherewithal to realize that objective. In each territory, the role of the Committee is strictly advisory, and the strongest form of advice, given to the Principal or Superintendent, is a collection of recommendations. There are no incentives or disincentives for the administration to comply with the Committee's advice or recommendations.

In both territories, there is no formal decision rule mandated in the legislation, and no provision for the enforcement of the committee's decisions or recommendations. No oversight, other than the presence on the Committee of the Principal as the "ex-officio" member with no voting privileges, is provided in the legislation. Any monitoring of the Committee must be done internally and external accountability is limited to the presentation of a yearly report. The Committee is not supported financially through any direct territorial funding, although the law stipulates that the education district must receive an annual budget from the Committee. In both the Yukon and Northwest Territories, there is potential for the role of the School Committee and Community Education

Committee respectively, to become more than advisory; however, that potential is not defined in the legislation.

As Martin indicates in her analysis of parental participation policy in British Columbia, the legislation in British Columbia is not conducive to the development of strong, well-supported parental involvement in the educational process. Although the legislation provides for the establishment of a parents' advisory council in each school -- at the initiative of the parents, not the board -- the specific purposes, objectives or mandates are never clearly identified. The parents' advisory council is strictly advisory and neither the school nor the board is under any compunction to respond to or comply with the council's recommendations. There is no formal decision rule in the law, and no provisions are made for the enforcement of the advisory process. No provincial or divisional monitoring process is in place to ensure that the advisory councils are duly established and constituted. Funds are made available to school divisions to support the establishment and operation of parents advisory councils, however, those funds are not identified in the legislation and the amount is subject to yearly review by the Ministry.

The Alberta School Act acknowledges that parents have a right and a responsibility to make decisions respecting the education of their children; however, in terms of involving parents via parent advisory committees at the school level, the legislation is permissive. It allows for a school council to be established in each school, but it leaves to each school board the creation of the rules respecting its establishment, the election of members and the dissolution of the school council. The legislation also permits a wide variation and scope in the duties performed by each council by allowing the school

board to assign to the school council its duties and functions. Applying Martin's criteria to the Alberta situation, the policy objectives regarding parental involvement are ambiguous and lack precision (as she indicates). School Councils are only advisory. There is no formal incentive to school boards to create councils and some disincentive given the ministerial power to review and rule on certain board decisions. The legislation does not provide for decision rules or enforcement or monitoring of school councils. No provincial funds are directly supportive of school councils.

The Saskatchewan education legislation is permissive in its approach to the establishment of Local School Advisory Committees. Boards of Education may establish committees in any or all of their schools, but the decision remains at the board level. Provision is made for electors to petition the board to establish a local school committee but there is no legal obligation for the board to comply with their request. There is no formal incentive or disincentive for Saskatchewan boards of education to establish the parent committees. There are no provisions for enforcement or monitoring of the operation and activities of the committees. No specified provincial resources are identified to support the establishment of Local School Advisory Committees in school divisions. The policy objectives for parental involvement are vague and unspecified in the legislation. The form of the legislation does not allow the committees to be anything other than advisory bodies, with little real authority.

At the present time both Manitoba's Public Schools Act and Education Administration Act are being reviewed to capture in legislation the new government directions and proposed governance of the educational system, but this process has not been completed. On the important issue of parents' rights

to shape and determine the kind and quality of their children's education, the current legislation is largely silent. With two exceptions (the models in Frontier School Division No. 48 and the Francophone School Division No. 49), school boards are not required to establish or support parental participation, via parent advisory committees or any other mechanism. Any parental involvement in school-level parent advisory committees comes as a result of local initiative rather than provincial requirement. The introduction of guidelines for the establishment of Advisory Councils for School Leadership in Manitoba's school divisions, announced as a government priority in July, 1994, will require careful attention to the criteria of efficacious legislation, to ensure that the Councils are truly facilitative and supportive of parental involvement.

In the Ontario Education Act there is no provision within the legislation that would support parental involvement in any school or district decision-making, nor is there any requirement of school districts to explore such possibilities.

Quebec's Loi Sur L'Instruction Publique describes the most comprehensive structure for parental involvement and participation in the educational system of any Canadian province. On a macro-level, there is ample opportunity for parents to become involved in a wide variety of councils and committees (see Figure 3) that advise and make recommendations to the School Board. On a micro-level, however, the specific roles and responsibilities defined in the legislation for such key players as the school principal and the teacher do not include the development and maintenance of strong communication links between the school and the individual parent. In applying Martin's analysis to the Quebec educational legislation, the focus should be on the fit between the policy and the practice in schools since, as Martin (1992) points out, "Efficacious

legislation maximizes the likelihood that policy objectives will be achieved by formally structuring the implementation process" (page 64).

While the Quebec act is designed to make the school legally more independent of the school board, while preserving its organisational links with the Board and the other schools connected with the board, there is a danger that the advisory structures will become independent to the point of becoming competitive with the school board. There could well be occasions when the goals of the individual, school-oriented school committees will not be consistent with the priorities of the centralized, division-oriented Board of Trustees. The potential for tension is developed when committees and councils have the ability to advise but no guarantee that the advice will be acted upon. The result could be fragmentation rather than articulation.

The Quebec law has clearly stated legislative objectives, ranked in importance. The functions, duties, responsibilities and operations of the various parental committees are clearly specified. The role of parents in the educational decision-making process is given a high profile via its input and/or control over the identification of school goals, the determination of school budget and the selection of school priorities and procedures.

The form of the legislation in Quebec also places an onus on the school board to consult with the appropriate advisory body on the issues and areas that are appropriately its jurisdiction, for example, policy regarding the continued operation or closure of schools, the rules governing the allocation of financial resources among schools, and the implementation of curricula and programs.

The Quebec law does not contain formal incentives or disincentives to

school boards to comply with the policy; however, the strength of having the requirements inscribed by law is powerful motivation. There is no direct mechanism for monitoring the activities of the various advisory committees, or to ensure a school board's compliance with the individual sections of the act that govern parental involvement. However, as Martin points out, Sections 478 and 479 empower the Minister to enforce school boards' compliance with all provisions of the Act, to designate a person to verify whether a board is in compliance, and if a board is found derelict, to order all or parts of the powers and functions of the board to be suspended and appoint an administrator to exercise the powers of the board. The threat of that potential action could be a powerful motivator to school boards to support the formation and activities of advisory bodies.

No targeted funding for advisory committees is identified in the Quebec legislation; however, the law does stipulate that budgets must be made available and that the Councils/Committees are responsible for presenting balanced budgets. The Quebec Loi Sur L'Instruction Publique legislates a structure and a mechanism to facilitate parental involvement in the educational system, while supporting that involvement with the authority of the law.

Within the education legislation of the Atlantic provinces of New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland/Labrador, parents are not recognized as key players in the education of their children. The legislation is silent on the issue of parental participation in decision-making, and as a result, none of the provinces meets any of the criteria for efficacious legislation. No policy objectives are identified in the area of parental involvement, and few mechanisms exist to enable parents to access the decision-making processes

within the school system. The concept of parental participation is neither expressed nor explored.

However, it should be noted that the lack of legislative provision does not mean that parents in Ontario, New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland/Labrador are not involved in their children's education. There are school boards in those provinces that have made parental involvement a focus for over twenty years. The key to the successful functioning of parent councils in those jurisdictions is that clear objectives, well-defined roles and operating procedures have been set out in policy at the school board, rather than the provincial government level. The challenge in those provinces is now to bring the education legislation into line with existing practice, so that parental participation rights are grounded in law.

In summary, Quebec and the western provinces and territories of Saskatchewan, Alberta, British Columbia, Yukon and Northwest Territories are, at present, the Canadian jurisdictions that have legislative provision for parental participation in the public education system. However, within those six provinces/territories there exist differences in the ways in which parental involvement is legislated, structured and supported. Only in Quebec do the legislative provisions satisfy the criteria for efficacious legislation.

CHAPTER VI

CONCLUSIONS AND RECOMMENDATIONS

In Chapter I of this study, three key questions were identified as deserving the attention of parents. They were:

1. What rights do parents with children in the public school system presently possess?
2. Are parental rights provided for equally in legislation in different Canadian provinces and territories?
3. To what degree is provincial legislation efficacious in promoting parental rights in education?

The answer to those critical questions is found in Chapter IV and V. In short, this study of the education legislation revealed disparities among parental rights and responsibilities from one Canadian jurisdiction to another.

It appears that the only common rights shared by Canadian parents across the country are the right to enrol a child, starting at the median age of 6, in a public school, K-12, in the school division/district in which the parent pays property taxes; the right to opt-out of religious instruction in the school and the right to have a child instructed in the English language in every province/territory outside of Quebec and in the French Language in Quebec. All other rights are provincially-based and idiosyncratic, that is, they are not applicable in all Canadian jurisdictions.

In general, the more recent the education legislation, the more comprehensive and accommodating it is of parental involvement of different kinds. Also, the tone of the statutes from the Yukon (1990) and Northwest

Territories (1990) is more family and parent-oriented than the older, more formal legislation from the Atlantic provinces (1974-1990). Also, the comparative analysis of provincial/territorial education legislation contained in Chapter IV clearly supports the hypotheses set out earlier in Chapter I, namely that:

1. There are differences among and between provinces and territories with respect to the legislated rights and responsibilities of parents.
2. Provincial and territorial education legislation largely focuses on the custodial rights and responsibilities of parents in the education of their children,
3. Provincial legislation is not enabling of the participatory rights of parents in educational decision-making,

Analysis has shown that there are conspicuous provincial differences between the rights/entitlements of parents in the areas of due process, access to information, instruction in heritage languages, special needs programming and involvement in school or district based decision-making. Further, by volume, parental rights, or more specifically, responsibilities in the area of custody, comprise the bulk of the legislation regarding public education systems. In most provinces and territories, the responsibilities of parents vis-a-vis the attendance, health and behaviour of their student are proscribed in specific detail and parental responsibilities far outweigh parental entitlements. Additionally, the provincial and territorial legislation is not enabling of the participatory rights of parents. In some cases - specifically in the lack of legislated entitlement to due process in dealing with the school system - most of the legislation actually inhibits, rather than facilitates parental rights. In six of the twelve provinces and territories, education decision-making remains firmly

entrenched with the School Boards and the Ministry of Education. The role of parents in the decision-making process has only recently been defined in the legislation, and usually through a permissive or discretionary approach to the establishment of school parent councils, rather than through mandated advisory structures. Parental decision-making, by-and-large, remains peripheral rather than integral to the education system.

Decidedly, there are marked differences among and between provinces and territories in respect to the legislated rights and responsibilities of parents. As long as education remains a provincial responsibility in Canada, there will continue to be regional and provincial distinctions. Some differences are desirable, since they allow for the accommodation of localized situations and needs. The majority of differences, however, are detrimental to parents, since they prevent, inhibit or discourage direct parental involvement in schools and school systems. In a federal system of government, it is neither desirable nor just, that a parent in one province of Canada be denied the rights possessed by a parent in another provincial jurisdiction.

RECOMMENDATIONS

What then, must be done to harmonize provincial legislation governing education across Canada so that the rights of parents are equitable and universally acknowledged? The following five recommendations derive from the comparative and evaluative analyses of the legislated rights and responsibilities of parents and are meant to foster the achievement of greater and more consistent legal recognition of parental rights. The recommendations

address gaps in current legislation and reflect areas of concern expressed by parents in public forums across the country.

1. Rationalize the current provincial/territorial education legislation.

Current provincial and territorial legislation pertaining to education in the public school system is highly individual and idiosyncratic. It must be rationalized to present a coherent, consistent approach to parental involvement in the delivery of education. Given population mobility among and between the provinces/territories, there is a need for a common definition of the legal roles, responsibilities and entitlements of parents and students. Parents contemplating or completing a move from one province to another should neither fear the loss of rights/entitlements nor experience a jarring dislocation in their legislated role in their new environment.

As Ministers of Education from across Canada engage in dialogue about the creation of a national curriculum and the establishment of national standards and benchmarks of student achievement, they must also address the fundamental issue of national 'rights' legislation for parents and students. Just as they strive for a 'national' approach to defining the benchmarks of quality education, they must also define parental rights in a way that will be enabling, consistent and portable. In an age where the electronic highway is connecting students in their learning from coast-to-coast, so the rights and entitlements of Canadian parents and their children must transcend the parochialism and artificiality of provincial boundaries to form a cohesive, national whole. If one province or territory can provide for one particular right, it is difficult to imagine a compelling reason for other provinces not to provide that right also.

2. Incorporate the seven key areas of parental rights into all new legislation. Revisions to current education legislation must address the seven critical areas of parental rights and entitlements - Custody, Religion/Culture/Values, Language, Choice, Participation, Access to Information and Quality Assurance. Each of these 'rights clusters' should be an integral part of the 'whole' of parental entitlement. The collective rights of parents are weakened when any one or combination of these rights is neglected or omitted; parental rights in education must embrace each of those areas to be considered comprehensive or complete. The seven 'rights clusters' maintain the balance of the personal and the professional, the cultural and the clinical, the intellectual and the affective, the private and the public, as the parent interacts with the school system. The fact that the greatest proportion of education legislation involves the custodial responsibilities of parents is contradictory to the stated purpose of participatory or enabling legislation. A custodial orientation is paternalistic and regulatory (to the extent of holding parents criminally liable for the actions of their students) while one more sensitive to a range of parental entitlements is more egalitarian (maintaining a substantial equality of the key players in the education of children). Only the legislation of the Yukon and Northwest Territories does not ignore that dichotomy. Those acts speak of the partnership between parents and the school, and do not introduce the contradiction of penalties/coercion for non-compliance. The approach in the territories is to work collaboratively to ensure the regular attendance and appropriate behaviour of students. To be most effective, new legislation must take this inclusive approach to the identification of parental rights and entitlements.

3. Redefine the collaborative roles of parents and educators.

Typically, the involvement of parents in the decision-making activities of the school is involvement on the school's terms. The comfort level of teachers and principals wanes as parents move from the compliant 'parent-as-spectator' to the more active and visible 'parent-as-volunteer,' to the potentially more controversial 'parent-as-advocate'. It is likely that the comfort level for school personnel decreases proportionally as the status of "school-as-expert" is reduced. In many ways, the school (and vicariously the state) has increasingly assumed control over students at a younger and younger age, (the legislation in some provinces now permits students to enter the public school system at age 4). The shifting of responsibility for the teaching of such concepts as sex education, religious education, AIDS education, and Skills for Independent Living, from the parent to the school has increased the state control over the minds of the young (Riley, 1994). This shift has created a tension between the parent - who feels that the government is placing less trust in the competence of parents by introducing these new curricula - and the educator who sees any attempt by the parent to take back or challenge these teachings as a lack of confidence in his/her professional competence. The traditional role of school as "expert" may have worked in a simpler time, but it does not fit in today's complex society. A more balanced partnership, in which all members are considered to have valuable but different knowledge, is the key to achieving real parental participation and involvement in the system.

4. Provide direct government funding and support for School Parent Advisory Committees.

The efficacy of parent involvement in the education of children has been borne out in research. The more parents participate in the school activities of their children, the more successful is the child in school endeavours and the more positive are the relationships between the parent and school. In order to validate the role of parents and their participation, they must have a legitimate 'place' in the education structure. One such 'place' for parents to find and express their voice is through a School Parent Advisory Committee (P.A.C.). Six provinces/territories already provide for the establishment of such committees. But, without sufficient, on-going financial and operational support, the P.A.C. is, however, destined to function at its minimal level of impact. To provide a strong, representative forum for parental decision-making and input, the parent committee requires a legislated commitment from government regarding mandate, terms of reference, financial support and access to information. The recognition of the role of the school advisory committee in the educational partnership must be validated through the legislation and supported through the provision of financial and personnel resources.

5. Establish mechanisms for the review and amendment of educational legislation.

There must be established procedures in each of the provinces/territories, for the on-going review and amendment of existing Public School and Education Acts. Many of Canada's education acts are out-dated, and not reflective of current policy or practice in school districts across the country. In several instances, the legislation, at least on the surface, is not consonant with other current legislation, such as the conflict between the Canadian Charter of Rights

and Freedoms, and the legislated support of corporal punishment in the schools of Newfoundland/Labrador.

It appears that provinces have no mechanism in place to allow for regular and systematic revision of education legislation. Any changes, additions or deletions to the acts usually occur as a result of a change in government or under pressure that derives from task forces or royal commissions. The recommendations of those duly commissioned study groups are not, however, binding on any government, and all-too-many comprehensive and costly reports lie on Minister's shelves, awaiting disposition. For example, the review mechanism established by the Education Administration Act in Manitoba, the Advisory Board, has not been used in over four years, despite the fact that the legislation calls for a meeting "not less frequently than once every two months during the months from and including Septemberto June" (s. 17 (2)). Under the Act, the Advisory Board, comprising the major stakeholders in education, has the power to make regulations with respect to religious exercises and patriotic exercises in public schools; make recommendations concerning the reports from other committees; assess curricula, textbooks and other instructional materials; and "engage in research and study of matters of educational policy" (s. 16 (1)). The annual report of the Advisory Board is to be laid before the Legislature. At this point in time, not only is Manitoba's education legislation woefully in need of revision, but the government is in violation of its own laws. The education acts of Canadian provinces and territories should be subject to regular and rigorous review to ensure that no anachronistic legislation prevents our education systems from being efficient, effective and excellent.

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APPENDIX A

SURVEY BY THE
MANITOBA ASSOCIATION OF SCHOOL TRUSTEES



The Manitoba Association of School Trustees

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J.B. MacNeil, Ph.D. Executive Director

October, 1994

Honourable Clayton Manness
 Minister of Education
 Manitoba Legislature
 Winnipeg, MB R3C 0V8

Dear Mr. Manness:

Thank you for this opportunity to meet with you to discuss the important issue of educational renewal. The Manitoba Association of School Trustees is aware that your department has made the implementation of Renewing Education: New Directions a very high priority. Manitoba's public school boards have begun to invest a great deal of time discussing the implications of this document.

Our Association supports the establishment of school level advisory committees or parent councils, and encourages greater participation and collaboration in education issues. We have modelled this conviction in our organization's activities, and have provided support to school boards wishing to engage their communities in consultative processes.

One of our particular interests is New Direction 4: Parental and Community Involvement. We have chosen to focus on this area because of the essential relationship between parents, communities and school boards, and because we have been advised by the Deputy Minister that guidelines for the operation of Advisory Councils for School Leadership will be published in November. Our Association believes that continuing discussion of this direction throughout the implementation process is essential to ensuring their success.

In preparation for this meeting, MAST searched without success for information on the number of schools in Manitoba with some form of parent advisory committee. We therefore contacted all of our member school boards and compiled the attached survey of parent advisory councils in Manitoba. We believe this information should be considered before any guidelines on parent involvement are published.

We welcome this opportunity to meet with you to discuss educational change, and we look further to continuing this discussion.

Sincerely yours,

Carolyn Duhamel
 MAST Vice-President

CD:je

Overview: Parent Advisory Committee Survey

Purpose:

- To determine the number of schools in Manitoba that have parent advisory committees
- To gain some insight into the conditions that determine whether or not a school has a parent advisory committee

Methodology:

- Data was collected by telephone interviews with personnel from all MAST member boards.
- Respondents were asked to identify the number of schools in their division/district which had parent advisory committees (or parent councils, or home and school committees, etc.).
- Special interest committees, such as Canadian Parents for French, band parent committees, and sport committees, were noted but not included in the total.
- Respondents were asked to identify by name schools which did not have parent advisory committees, and to share any insights they might have as to why this was the case.
- Given their unique position within the education community, Hutterian schools were excluded from this study.

Results:

Provincially, 86% of all schools have parent advisory committees. These results have been compiled by region on the attached pages. Relevant comments from the interview process have also been included.

Observations:

- The existence of school-based advisory committees is one indicator of parental involvement. A variety of other forms exist, and should be noted here. These include direct parental involvement in the classroom, and parent advisory committees that are other than school-based. A number of divisions and districts without parent advisory committees in all schools noted large numbers of parent volunteers in the classrooms. A number of divisions also noted the existence of regional, divisional, and special interest advisory groups which increase the involvement of parents in their children's education.
- The highest percentage of schools having parent advisory committees occurs in the urban area: 96%. Urban schools that do not have parent advisory committees are, without exception, junior or senior high schools. Most urban divisions indicated that they are making efforts to establish committees at these schools.
- Many of the schools that do not have parent-advisory committees are located in smaller communities, or in divisions with a relatively small population. In these communities, access to teachers, principals, and the decision-making structure is readily available. Efforts to create formal committees in communities with regular contact with their school board members have often been unfruitful. As one respondent noted, "if there is a problem, parents don't hesitate to let us know."
- Excellent advisory committee policy models and parent resources exist in a number of divisions and districts.

Region	Division	No. of Schools	No. of PACs	Comments	
Urban	Winnipeg	79	79	Parent councils exist in the vast majority of urban schools; only 11 of 253 schools do not have a parent council.	
	St. James	28	28	Winnipeg has a policy encouraging community involvement in education, as well as a school based decision-making model (1993). St. Boniface is establishing a council at Pierre Fort Garry is establishing councils at	
	Assiniboine S.	16	16	Radisson Collegiate. Fort Garry is establishing councils at	
	St. Boniface	13	12	Vincent Massey and Fort Richmond Collegiates. Transcona	
	Fort Garry	17	15	is working to establish a parent council at College Pierre	
	St. Vital	23	22	Elliot Trudeau; two of their other schools have band parent associations. River East has a band parents group at John Henderson Junior High; Robert Andrews School has not yet established a council.	
	St. Vital	5	5		
	Norwood	28	26		
	River East	23	23		
	Seven Oaks	21	16		
Transcona	253	242			
Subtotal			96%		
Percentage					
Interlake	Lark Selkirk	13	12	Parent advisory committees exist in every school in the Interlake region with the exceptions of Lord Selkirk Regional	
	Agassiz	8	8	Comprehensive School (which has band and sport committees) and in the six schools in Evergreen. Evergreen	
	Interlake	13	10	established "Partnership Councils" several years ago, which resembled the Councils proposed in the Blueprint. These	
	Evergreen	6	0	have ceased to operate, despite encouragement from the division. The division continues to encourage parent	
	Lakeshore	7	7	involvement through open houses and other events.	
	Pine Falls	1	1		
	Whiteshell	2	2		
	Whiteshell	50	40		
	Subtotal			80%	
	Percentage				
S. Eastern	Seine River	14	13	Hanover is proud of their high level of parental involvement. Each school benefits from the involvement of 50 to 100	
	Hanover	15	15	volunteers. Seine River has councils in all schools except the Co-op Ed. School, which has a business partners	
	Boundary	4	3	advisory committee. Boundary has some form of parent involvement in all schools except Piney.	
	Red River	4	4		
	Red River	1	0		
	Sprague	1	0		
	Sprague	38	35		
	Subtotal			92%	
	Percentage				
	S. Central	Rhineland	8	8	The south-central region has some form of parent committee in all but two schools. Manitou School (K-6) in Pembina
Morris-Macdonald		7	7	Valley has no committee; nor does Mason School (Western),	
Midland		7	7	a one room school with a high level of parent involvement.	
Garden Valley		10	10	In Miami (Midland) one committee deals with both of the	
Pembina Valley		6	5	community's schools. Plum Coulee (Garden Valley) has two	
Pembina Valley		6	5	committees within the same school unit. Western has a	
Western		6	44	95% division-wide Program Advisory Committee.	
Subtotal					
Percentage					

Region	Division	No. of Schools	No. of PACs	Comments
Central	White Horse Plain	7	7	Tiger Hills has a policy encouraging parent involvement, but cites lack of parental interest for no committees in 4 communities (5 schools). Pine Creek cites a similar experience. Portage has committees in all but its high schools, which are attempting to establish committees.
	Portage	13	10	White Horse Plain has councils in every school, and also has a school-community council in St. Paul's Collegiate.
	Mountain	7	7	
	Tiger Hills	8	3	
	Pine Creek	7	2	
Subtotal		42	29	
Percentage			69%	
Western	Beautiful Plains	7	4	Four divisions in the western region have parent councils in all schools. Parent councils are inactive in three schools in Beautiful Plains. Rolling River has tried to establish a parent committee in Rapid City, but without success. Brandon reports lack of parent interest in several schools; special interest groups are active in others. Their high schools are discussing a joint parent advisory council. In Pelly Trail, only Rossum Collegiate has a parent council; lack of parent interest is cited for their absence elsewhere. Birdtail River cited lack of parent interest for the absence of parent councils in six of their schools.
	Pelly Trail	6	1	
	Birdtail River	9	4	
	Rolling River	13	11	
	Brandon	22	16	
	Fort la Bosse	11	9	
	Souris Valley	2	2	
	Antler River	5	5	
	Turtle Mountain	5	5	
	Subtotal		80	60
Percentage			75%	
Northwestern	Dauphin-Ochre	8	8	Two of the five divisions in the northwest region have parent councils in all of their schools. In Intermountain, only Gilbert Plains has a council. Swan Valley has a policy encouraging parent involvement, and Bowsman parents plan to form a council. Lack of parent interest is cited for the absence of parent councils elsewhere.
	Turtle River	7	5	
	Duck Mountain	6	6	
	Swan Valley	10	4	
	Intermountain	5	1	
	Subtotal		36	24
Percentage			67%	
Northern	Kelsey	5	0	Kelsey has made numerous attempts to encourage parent councils, and has a detailed policy supporting involvement. Snow Lake and Lynn Lake each have parent councils. Leaf Rapids does not have a council, but has parents actively involved in Early and Middle Years education. Mystery Lake cites lack of parent interest for the absence of councils in four schools. Flin Flon has parent councils in all schools except for the Many Faces Education Centre, an alternative program.
	Flin Flon	5	4	
	Snow Lake	1	1	
	Mystery Lake	7	3	
	Lynn Lake	1	1	
	Leaf Rapids	1	0	
	Churchill	1	0	
Subtotal		21	9	
Percentage			43%	

Region	Division	No. of Schools	No. of PACs	Comments
<i>Legislated Parental Involvement</i>				
	Frontier	34	34	The DSFM is reviewing guidelines for the operation of its school-based parent councils. Both Frontier and the DSFM have school-based and regional committees to advise a
	DSFM	20	20	
Provincial Summary				
Totals		564	478	
Percentage			85%	