

Summary of Education Law and Policy PPM131 in Ontario

Ontario is the only province in which home educators have the freedom to home educate without informing the government. OCHEC and its many members would like to honour and maintain this freedom.

On the basis of Section 21(2) of the Education Act, which is the Law, and of PPM 131 being a policy not enforceable by law, it is OCHEC's position that it is not mandatory for a parent to inform the school board of the withdrawal of their child from the public school system. However, it may be courteous and, in some cases, wise to do so. Further notes are available to our members.

Ontario Education Law

<https://ocheec.org/ontario-homeschool-laws/>

The Law allows for the provision of home education and private schools under the same section of Law, specifically mentioning 'at home' first and then 'elsewhere':

"21-2 A person is excused from attendance at school if,

(a) the person is receiving satisfactory instruction at home or elsewhere;"

In a subsequent section, the Law does provide for an inquiry if there is some question as to the validity of the reason or excuse of non-attendance:

*"24-2 Where the parent or guardian of a child considers that the child is excused from attendance at school under subsection 21(2), and the appropriate school attendance counsellor or the Provincial School Attendance Counsellor is **of the opinion** that the child should not be excused from attendance, the Provincial School Attendance Counsellor shall direct that an **inquiry** be made as to the **validity of the reason or excuse for non-attendance and the other relevant circumstances**, and for such purpose shall appoint one or more persons who are **not employees of the board** that operates the school that the child has the right to attend to conduct a hearing and to report to the Provincial School Attendance Counsellor the result of the inquiry and may, by order in writing signed by him or her, direct that the child,*

(a) be excused from attendance at school; or

(b) attend school,

and a copy of the order shall be delivered to the board and to the parent or guardian of the child.

PPM 131 (Policy & Procedure Manual 131)

<https://ochee.org/ppm131/>

PPM 131 is a policy and procedures, and thus is not law, for the school board and for parents.

PPM 131 indicates ‘**should**’ inform, rather than ‘**must**’ inform (under Procedures for Parents.)

It is a courtesy to inform the school board, and in various circumstances, it may be wise to do so.

There is no requirement to notify a private school of the withdrawal, but again wisdom and courtesy may indicate if this route is chosen.

What the Law says to parents:

A requirement to inform the government or a school board is nowhere required in the Ontario Education Act. See sections Section 21 (1) and Section 21 (2) of the Education Act.

(2) A person is excused from attendance at school if,

(a) the person is receiving satisfactory instruction at home or elsewhere

What the Law says to the Attendance Counselor:

The law requires the truancy officer of the school board to follow up on absentee students. The Attendance Counsellor may simply request a Letter of Intent from you as the parent. The parent can submit the Letter of Intent referred to in Appendix B of PPM 131.

In the Education Act a school is defined as being under the public or separate school board, or publicly funded. This makes all private “schools” as not being included in the definition of “school” in the Education Act. Thus OCHEC maintains that if a child going to a private school satisfies the attendance counsellor, then attending a home school should equally satisfy the attendance counsellor.

What PPM 131 says to homeschool parents:

Should the school or school board contact you asking for notification of your intent to homeschool, then the Ministry of Education’s PPM131 provides a sample Letter of Intent in Appendix B of PPM 131, which is sufficient. Only the name, gender and birthdate of the homeschool child(ren) is required.

What PPM 131 says to School Boards:

On receipt of your letter of intent, PPM 131 goes on to clearly indicate the school board accepts that your child is receiving satisfactory education. Note that ‘satisfactory education’ has not been defined. Nothing further is required. PPM 131 provides Appendix C to the school board to respond with this acceptance of the parent(s)’ decision.

What PPM 131 says regarding investigation:

...under certain circumstances – reasonable grounds to suspect that the child is not receiving satisfactory education at home – the school board is required to investigate, but that investigation also must follow the guidelines as outline in PPM 131 Appendix D.