

RIGHTS AND INTERESTS

The rights of children and parents are balanced against the compelling interest of the state:

1. **Child:** Every child has the right to an education
2. **Parents:** Parents have a prior right to choose the kind of education that is given to their children.
3. **State:** The state has a “compelling interest” in the education of children.



Children



Parents

State

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ADDITIONAL INFORMATION

Please visit www.shbe.info to obtain additional information on homeschooling in Saskatchewan, including guides and templates for filing.



IS IT LEGAL?

Homeschooling is legal across Canada, and is regulated by provincial laws, regulations, and policies, as well as local procedures.

This brochure is not legal opinion or advice and is only a very brief summary.

SHBE

Saskatchewan Home Based Educators assists to create a positive social and political environment in Saskatchewan.



Children

Every child has a right to an education, according to the UN *Universal Declaration of Human Rights*, article 26(1), the UN *Convention on the Rights of the Child*, article 28, and Saskatchewan's The Education Act s. 142(1)(b).

Parents

Article 26(3) of the *Universal Declaration of Human Rights* indicates that parents have a prior right to choose the kind of education that shall be given to their children. The *Charter of Rights and Freedoms* establishes freedom of conscience and religion.

State

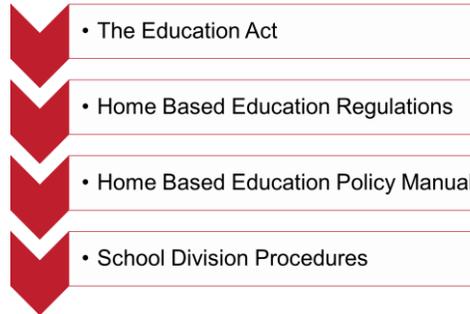
The Canadian constitution gives provincial governments the jurisdiction to make laws relating to education (s. 93).

In Canadian case law, *Jones v. The Queen*, the Supreme Court of Canada held that a parent has the right "to educate his children in accordance with his conscientious beliefs," while also finding that the state has a "compelling interest" in the education of children. The state must exercise its compelling interest by the "least intrusive means."

No rights are absolute, including parental rights, but are "subject to reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society" (*Charter*, s. 1).

BALANCE

The Education Act, Home Based Education Regulations, and Home Based Education Policy Manual seek to balance the rights of children and parents with the interests of the province. The province defines requirements as defined in successively more detailed documents:



RESPONSIBILITIES

The Policy Manual is key to understanding home based education in Saskatchewan. SHBE and HSLDA encourage parents to stay familiar with the policy manual. Here are some key policy statements:

- Home-based educators are responsible for the education of the home based learner.
- School divisions are responsible to ensure the "compelling interest" of the state is met.
- School divisions officials shall assume that the home-based learners are making satisfactory educational progress unless there is evidence to the contrary.
- School divisions are not responsible for the selection of programs, courses, textbooks, and other learning resources.
- School divisions are not liable for anything done, or omitted, in good faith while registering, monitoring or administering a home-based education program.



KEY DOCUMENTS

UN Universal Declaration of Human Rights
UN Convention on the Rights of the Child
Canadian Charter of Rights and Freedoms
The Education Act, 1995
Home Based Education Program Regulations, 2015
Home Based Education Policy Manual, 2016-2017
Home Based Education Policy Manual,
Third Edition, 2014, Appendix F

ABOUT SHBE

Saskatchewan Home Based Educators (SHBE) is the official voice of home-based educators in Saskatchewan. Assisting to produce a positive social and political environment for all those who choose home-based education, SHBE also provides social, supportive and instructional resources for its members.

HOME SCHOOL LEGAL DEFENSE ASSOCIATION

To protect our rights to homeschool, for advice, and in case legal assistance is ever required, consider joining HSLDA.

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