

## ADVICE TO MINISTER

### CONFIDENTIAL ISSUES NOTE

Ministry of Education

Date: Sept. 27, 2012

Date Updated: \_\_\_\_\_

Minister Responsible: Hon. Don McRae

# Bountiful Elementary Secondary School Closes

### ADVICE AND RECOMMENDED RESPONSE:

- Ministry staff were informed Sept. 12 by the principal of Bountiful Elementary Secondary School that the board which governs this independent school has decided to close the facility.
- Our priority is to ensure that the more than 250 children affected by this decision continue to receive an education.
- The Ministry has been in close contact with the Kootenay Lake School District.
- Both of the Ministry and the school district are encouraging parents to consider K-12 education programs delivered through other local public, independent or Distributed Learning schools.
- Kootenay Lake school district Superintendent Jeff Jones has met with more than 50 Bountiful parents to discuss options and transition into schools.
- While some children have been registered in other local area schools, it is our understanding that many parents are opting to enroll their children in the Kootenay Lakes District's Homelinks program.
- The District's homeschooling program provides learning resources and ongoing support for parents and children:
  - Teaching staff will be available to work with parents and students to create an individualized educational program,
  - And also available on a regular basis to assess the student's progress, modifying the plan when necessary,
  - As well, there are regular, scheduled opportunities for homeschooled children to come together for group learning and activities.
- We will continue to monitor the situation and work closely with the school district and other government agencies to ensure that all former students of the Bountiful school continue to receive an education.
- Parents who chose to pursue homeschooling must register their children as homeschoolers by September 30.

## KEY FACTS REGARDING THE ISSUE:

On Sept. 12, Ministry staff were informed by Guy Oler, principal of Bountiful Elementary Secondary School (BESS), that the independent school authority (BESS Society) had decided to close the school for the coming school year.

This followed Mr. Oler's call to the Inspector of Independent Schools to inform him that the BESS Society had decided to decline public funding for the coming school year (2012-13). On Aug. 17, Mr. Oler followed up with an email to formally request the change from Group 1(50 per cent public funding) status to Group 3 status (no public funding) for the school. In a phone conversation on Sept. 7, the Inspector understood that the principal still anticipated the school would open on Sept. 17.

However, on Sept. 12, when the Inspector called to seek clarification of the status of the school, the principal verbally informed him that the Society's board had decided against opening for the school year.

On Sept. 14 the Inspector wrote Mr. Oler, acknowledging the closure notification and, in order to with the transition of BESS students to other schools, was asked to provide the following information to the parents to ensure the continuation of their children's K-12 education.

- Under the School Act, children are required to receive an educational program and they must be registered as students through a public or independent school.
- We encourage parents to consider K-12 education programs delivered through local public, independent, or Distributed Learning schools.
- The above noted registration requirements also apply to children that are homeschooled. Registration must be completed before September 30, 2012.
- The Superintendent of Kootenay Lake School District, Mr. Jeff Jones, will be responsible for ensuring that children are registered and receiving an educational program and had been contacted by the Ministry.
- They were further encouraged to contact the Superintendent directly and his phone number and email address were provided for assistance with school selection and registration (for enrolment in school or distributed learning).

In addition, Mr. Oler was reminded that, as the former school principal, the Ministry requires that he or his designate promptly transfer all student records when requested by the schools where the former students register.

As of Sept. 25, School District 8 has registered the following numbers of students from Bountiful:

• Homelinks:	122 (not necessarily FTEs)
• Canyon/Lister Elementary:	37 (as homeschoolers)
• Yahk Elementary:	5
• Distance Ed. School of Kootenays (DESK):	10 (number needs to be confirmed)
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	174 of 257 BESS students (2011-12)

It's also anticipated that five students will register at Mormon Hills Elementary Secondary, the other independent school (Group 1 – K-12) in the community.

At this point, **that leaves 78 children still not accounted for.**

## TRACKING FORMER STUDENTS

Since learning of the intention to close the school Ministry staff have impressed upon the former BESS principal the need to have student records up to date and to be available to be forwarded to other educational institutions during September as Bountiful parents make decisions on where and how they

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want their children to continue their education.

The Inspector of Independent Schools has asked the former Principal that a list of all students for whom records have not been forwarded to other schools be sent to the Ministry on Friday, Sept. 30. That list will be forwarded to the Kootenay Lakes School District superintendent for follow-up.

Superintendent Jones is also following up with the various schools in his district to ensure that student records are being requested and transferred to each institution for the former BESS students who are enrolling/registering.

### ABOUT HOME SCHOOLING

In B.C. you are either a homeschooler or a student (enrolled at a school – either in a traditional bricks and mortar school or through distributed learning (DL) school). B.C. parents who wish to educate their children at home can do so as long as they register the child or youth with a public or independent school.

Homeschoolers can access resource materials from their local school district, but are not obligated to take or make use of such material, nor are they required to take any part in assessment or evaluation. If desired, homeschoolers have the ability to access K-12 curriculum through DL.

Under the School Act, children (and youths) MUST be registered at a public or independent school, either as students (bricks and mortar or Distributed Learning) or as homeschooled children. Registration for homeschooling MUST be completed by Sept. 30, 2012.

Under the Act, a parent of a homeschooled child may educate the child at home or elsewhere, and must provide that child with an educational program ("...designed to enable learners to become literate, to develop their individual potential and to acquire the knowledge, skills and attitudes needed to contributed to a healthy democratic and pluralistic society, and a prosperous and sustainable economy" (sec. 3, school regulation).

In the Act, an "educational program" means an organized set of learning activities, in the opinion of ... "the parent, in the case of learning activities provided to a" homeschooled child. The Ministry has no ability to monitor educational programs of homeschoolers.

A parent who fails to register a homeschooled child commits an offence (s. 13(4), School Act). Under section 14, a person who believes a child is not registered, or is not receiving an educational program can make a report to the superintendent of the school district, who then has the power to investigate.

### BESS FOR 2011-12

- Enrolment at 257 (headcount) students (249 FTE).
- Estimated Operating grants: \$1,172,292

GCPE Contact:	Scott Sutherland/Matt Silver		7-6940
Program Area Contact:	Theo Vandeweg-Claire Avison-Sherri Mohoruk		
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Minister's Office	Program Area	ADM	Comm. Dir
KD Sept 27	Theo Vandeweg	Sherri Mohoruk & Claire Avison	RP

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### CONFIDENTIAL ISSUES NOTE

Ministry of Education

Date: Sept. 27, 2012

Date Updated: Oct. 25, 2012

Minister Responsible: Hon. Don McRae

# UPDATE Bountiful Elementary Secondary School Closed

### ADVICE AND RECOMMENDED RESPONSE:

- The decision to close Bountiful Elementary Secondary School came as a surprise to the Ministry.
- Once informed of the decision made by the independent school authority, the Ministry has worked closely with BESS officials and the local, public school district to ensure the interests of the students has been the top priority.
- The Ministry has continued to monitor the situation and work with the school district and community leaders to ensure that all former students of the Bountiful school continue to receive an education.

### Secondary Messaging - History

- On Aug. 2, BESS Principal Guy Oler called the Inspector of Independent Schools to notify the Ministry that the BESS Society (the independent school authority) had decided it would decline funding for the 2012-13 school year.
- By declining provincial funding, BESS would have moved status from a Group 1 combination school (Group 1 for grades K-9 and Group 3 for grades 10-12) to a Group 3 school for K-12 (which does not receive any funding).
- On August 17, Oler followed up with an email to formally request the change in funding, and in a phone conversation on Sept. 7, the Inspector understood that the principal still anticipated the school would open on Sept. 17.
- Ministry staff were then informed Sept. 12 by the principal (now former principal) of Bountiful Elementary Secondary School that the board which governs this independent school had decided to close the facility.

### After the decision to close the school was made

- Since the Ministry was informed the school would close, it was a top priority to ensure that the more than 250 children affected by this decision would continue to receive an education.
- The Inspector of Independent Schools sent Guy Oler (former principal) a

**letter outlining the responsibility and requirement to enroll or register at another school before the end of September. Guy Oler was asked to distribute this information to the school community – which he did.**

- **Ministry staff kept in close contact and worked with Superintendent Jeff Jones of the Kootenay Lake School District.**
- **The superintendent met with parents of the Bountiful community and informed them that they needed to register their children - with an independent school (either as a homeschooler or a regular student) or with the school district by Sept. 30 (either as a homeschooler or a student), per the School Act.**
- **Throughout September, the school district encouraged parents to consider K-12 education programs delivered through other local public, independent or Distributed Learning schools. Superintendent Jeff Jones met with more than 50 Bountiful parents to discuss options and support transition into schools.**
- **While some children were registered in other local area schools, many parents opted to enroll their children in the Kootenay Lakes District's Homelinks distributed learning program.**
- **The Inspector of Independent Schools has maintained regular contact with the former principal, Guy Oler, to ensure that students were registered and student files were transferred to the receiving schools.**

#### **KEY FACTS REGARDING THE ISSUE:**

On Sept. 12, Ministry staff were informed by Guy Oler, principal of Bountiful Elementary Secondary School (BESS) that the independent school authority (BESS Society) had decided to close the school for the coming school year.

This followed Mr. Oler's call to the Inspector of Independent Schools to inform him that the BESS Society had decided to decline public funding for the coming school year (2012-13).

On Aug. 17, Mr. Oler followed up with an email to formally request the change from Group 1(50 per cent public funding) status to Group 3 status (no public funding) for the school. In a phone conversation on Sept. 7, the Inspector understood that the principal still anticipated the school would open on Sept. 17.

However, on Sept. 12, when the Inspector called to seek clarification of the status of the school, the principal verbally informed him that the Society's board had decided against opening for the school year. On Sept. 14 the Inspector wrote Mr. Oler, acknowledging the closure notification and, with the transition of BESS students to other schools, was asked to provide the following information to the parents to ensure the continuation of their children's K-12 education.

- Under the School Act, children are required to receive an educational program and they must be registered as students through a public or independent school.
- The Ministry encourages parents to consider K-12 education programs delivered through local public, independent, or Distributed Learning schools.
- The above noted registration requirements also apply to children that are homeschooled. Registration must be completed before September 30, 2012.
- The Superintendent of Kootenay Lake School District, Mr. Jeff Jones, will be responsible for

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ensuring that children are registered and receiving an educational program and had been contacted by the Ministry.

- The parents were further encouraged to contact the Superintendent directly and his phone number and email address were provided for assistance with school selection and registration (for enrolment in school or distributed learning).

In addition, Mr. Oler was reminded that, as the former school principal, the Ministry requires that he or his designate promptly transfer all student records when requested by the schools where the former students register.

On Sept. 12, Oler informed the Ministry that the school would not continue operation. Note: the school never opened for the 2012-13 school year.

### BESS FOR 2011-12

- Enrolment at 265 (headcount) students (249 FTE).
- Estimated Operating grants: \$1,172,292

As of Oct. 24, School District 8 has registered the following numbers of students from Bountiful:

• Homelinks:	155 (not necessarily FTEs)
• Canyon/Lister Elementary:	55 (as homeschoolers)
• Yahk Elementary:	15
• Prince Charles Secondary:	S22
• Distance Ed. School of Kootenays (DESK):	9 (number needs to be confirmed)
• Kootenay Discovery School (DL):	S22
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	238 of 265 (27 students remaining)

Of the 27 students that were not registered, all have either graduated or moved out of B.C.

### TRACKING FORMER STUDENTS

Since learning of the intention to close the school, Ministry staff have impressed upon the former BESS principal the need to have student records up to date and to be available to be forwarded to other educational institutions during September as Bountiful parents make decisions on where and how they want their children to continue their education.

The Inspector of Independent Schools asked the former Principal that a list of all students for whom records have not been forwarded to other schools be sent to the Ministry on Friday, Sept. 30. That list was forwarded to the Kootenay Lakes School District superintendent for follow-up.

Superintendent Jones followed up with the various schools in his district to ensure that student records are being requested and transferred to each institution for the former BESS students who are enrolling/registering.

### ABOUT HOME SCHOOLING

In B.C. you are either a homeschooler or a student (enrolled at a school – either in a traditional bricks and mortar school or through distributed learning (DL) school). B.C. parents who wish to educate their children at home can do so as long as they register the child or youth with a public or independent school. Homeschoolers can access resource materials from their local school district, but are not obligated to take or make use of such material, nor are they required to take any part in assessment or evaluation. If desired, homeschoolers have the ability to access K-12 curriculum through DL.

Under the School Act, children (and youths) MUST be registered at a public or independent school, either as students (bricks and mortar or Distributed Learning) or as homeschooled children. Registration for homeschooling MUST be completed by Sept. 30, 2012. Under the Act, a parent of a homeschooled child may educate the child at

home or elsewhere, and must provide that child with an educational program ("...designed to enable learners to become literate, to develop their individual potential and to acquire the knowledge, skills and attitudes needed to contributed to a healthy democratic and pluralistic society, and a prosperous and sustainable economy" (sec. 3, school regulation).

In the Act, an "educational program" means an organized set of learning activities, in the opinion of ... "the parent, in the case of learning activities provided to a" homeschooled child. The Ministry has no ability to monitor educational programs of homeschoolers.

A parent who fails to register a homeschooled child commits an offence (s. 13(4), School Act). Under section 14, a person who believes a child is not registered, or is not receiving an educational program can make a report to the superintendent of the school district, who then has the power to investigate.

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Minister's Office	Program Area	ADM	Comm. Dir
KD Oct 25	Theo Vandeweg	Claire Avison	SS (acting)

## **Questions & Answers**

### **Closure of Bountiful Elementary Secondary School (BESS)**

Final  
Sept. 25, 2012

**Q1: When and how did the principal of Bountiful Elementary Secondary School (BESS) inform the Ministry of the decision to decline public funding for the school, and ultimately to close the facility, located in Lister B.C., near Creston?**

- On Aug. 2, BESS Principal Guy Oler called the Inspector of Independent Schools to notify the Ministry that the BESS Society (the independent school authority) had decided it would decline funding for the 2012-13 school year.
- The previous year the authority had received about \$1.1 million to fund K-10 students at the school; however no public funds were provided for the Grades 11-12 program, which does not meet Ministry criteria for funding.
- This decision to decline funding would have resulted in a change in independent school classification from a so-called combination school; Group 1 for K-10, Group 3 for 11-12, to entirely Group 3.
- On August 17, Oler followed up with an email to formally request the change in funding (which would result in the change in classification). In a phone conversation on Sept. 7, the Inspector understood that the principal still anticipated the school would open on Sept. 17.
- On Sept. 8, a Vancouver Sun columnist wrote that sources had reported the intention of the school authority to close the school.
- On Sept. 12, the Inspector of Independent Schools phoned the principal who then informed the Inspector that the school authority had decided that BESS would not open this school year, and said students would most likely be homeschooled.

**Q2: Is it known whether the students will go to another school, enroll in Distributed Learning (DL) or be homeschooled?**

- The (now former) Principal indicated his expectation that most Bountiful parents will homeschool their children. He had indicated in his conversation with the Inspector on Sept. 12 that he was in contact with a local distributed learning school (Homelinks) to facilitate the homeschooling registration process for parents.
- As of Sept. 25, Kootenay Lakes School District 8 has registered the following numbers of students from Bountiful:



- Homelinks: 122 (not necessarily FTEs)
  - Canyon/Lister Elementary: 37 (as homeschoolers)
  - Yahk Elementary: 5
  - Distance Ed. School of Kootenays: 10 (number could change)
  - 174** of 257 BESS students (11-12)
- It's also anticipated that five students will register at Mormon Hills Elementary Secondary (also in the village of Lister).
  - The Ministry of Education encourages parents to consider K-12 education programs delivered through other local public, independent or Distributed Learning schools.

**Q3: Has the Ministry further discussed next steps with the principal or community for closing the school?**

- The Inspector of Independent Schools sent an email letter to Principal Guy Oler that acknowledged the decision taken to close the facility.
- The letter asked the principal to provide the following information to the parents of former students in order to ensure their continued K-12 education:
  - "Under the School Act, children are required to receive an educational program and they must be registered as students through a public or independent school.
  - We encourage parents to consider K-12 education programs delivered through local public, independent or Distributed Learning schools. Parents can contact 250 505-7037 for assistance with school selection.
  - The above noted requirements also apply to children that are homeschooled. Registration must be completed before September 30, 2012.
  - The Superintendent of School District 8 (Kootenay Lake) will be responsible for ensuring that children are registered and receiving an educational program. The Ministry has contacted School District 8 to notify officials of the situation.
  - And that, as the former school principal, the Ministry requires Mr. Oler or his designate to promptly transfer all student records when requested by the schools where former BESS students register.

**Q4: How will the Kootenay Lakes School District superintendent support the transition?**

- Kootenay Lakes School District Superintendent Jeff Jones met with more than 50 Bountiful parents within a week of the decision to close BESS to discuss transition into local schools.
- As superintendent, he is responsible for ensuring parents have their children enrolled as students or registered as homeschoolers and receiving an educational program.
- The superintendent has told Ministry staff:
  - The school district is working on a “needs list” to help in the efforts to accommodate new registrants from Bountiful as students are still being registered.
  - He recognizes there are timing challenges (especially with DL registrants), and there is a need to attend to the dramatic change the families and their children must be experiencing.
  - He also recognizes there are several students with unidentified special learning needs that need to be addressed.
  - There is a concern the number of student registrants is occurring in one part of the district, but school district staff had no way of anticipating it or preparing for it. The school district is working to ensure smooth transitions.
- The Ministry is working closely with the superintendent to ensure he and the district are supported to ensure that the educational needs of these children are addressed.

**Q5: If the students are not learning in a classroom, do they become homeschooled students?**

- In BC you are either a homeschooler or a student (enrolled at either a bricks-and-mortar school or at a DL school).
- BC parents who wish to homeschool their children can do so as long as they register with a public or independent school.
- Homeschoolers can access resource materials from their local school district. If desired, homeschoolers have the ability to access curriculum (full access to K-12) through distributed learning.
- Registration for homeschooling must be completed before Sept. 30, 2012.

**Q6: What does the School Act say about home education?**

- Under section 12 of the School Act (Home Education), a parent of a child who is required to enroll in an education program:
  - May educate the child at home or elsewhere, and;
  - Must provide that child with an educational program.

**Q7: Is homeschooling considered the same as Distributed Learning?**

- Distributed Learning is where a BC-certified teacher is responsible for a student's educational program. Homeschooling requires the parent or guardian be responsible for the child's educational program.
  - **Distributed Learning (DL)** takes place when:
    - A student is primarily at a distance from the teacher;
    - Whether he/she is at home; or
    - Connected to teachers from another learning facility.
  - **Homeschooling** allows students to work at their own pace and parents to blend family, life and schoolwork into their own schedule. Homeschooling is the full responsibility of the parent, is not supervised by a BC-certified teacher, is not required to meet provincial standards, and is not inspected by the Ministry of Education.

**Q8: What are the regulations under the School Act regarding home school curriculum delivered by a parent or educator?**

- Under section 13 (Registration), a parent of a child must provide the child with an educational program, which is designed to enable learners to become literate, to develop their individual potential and to acquire the knowledge, skills and attitudes needed to contribute to a healthy democratic and pluralistic society, and a prosperous and sustainable economy (section 3, school regulation).
- In the School Act, an "educational program" means an organized set of learning activities, *in the opinion of*:
  - the board of education;
  - francophone authority;
  - Minister (in the case of learning activities in a provincial school) or;
  - *the parent, in the case of learning activities provided to a child registered under section 13 (homeschooling).*

**Q9: What happens if a parent fails to register his or her child by Sept. 30 as stipulated in the School Act?**

- School Act section 13 (Registration) says a parent of a child who is required under section 12 (Home Education) to provide the child with an education program, **must register** the child on or before Sept. 30 of each year.
- Efforts by both the Ministry and the school district superintendent are underway to ensure that all former BESS students (257 in 2011-12) are accounted for this school year.
- The situation is being monitored, and the Superintendent is aware that it would ultimately be his responsibility to investigate if he becomes aware that any former BESS students are neither enrolled in a school nor registered as a homeschooler by the deadline under section 14 (Power to Report) of the School Act (see also **Q10**).
- The focus for the Ministry of Education is ensuring that children are appropriately receiving educational programs.

**Legally:**

- A parent who fails to register a homeschooled child commits an offence.
- Under section 4 of the Offence Act, a person who is convicted of an offence, is liable to a fine of not more than \$2,000 or to imprisonment of not more than six months, or both.
- To prosecute - on receipt of the Report, Crown Counsel will make a decision to approve charges, or not, based on the charge approval standard, that is, whether there is a substantial likelihood of conviction, and if so, whether it is in the public interest to proceed with prosecution.

**Q10: What happens if it's reported and/or suspected that a homeschooled student is not receiving an educational program, or one that does not meet the guidelines as set out in the School Act (definition of an educational program)?**

- Under section 14 (Power to Report) of the School Act, a person who believes a child is not registered, or is not receiving an educational program, can make a report to the school district superintendent, who then has the power to investigate.
- If the superintendent determines the child is not registered as required by section 13 of the School Act or receiving an educational program (section 2), the superintendent must take action as required by the Investigation by Superintendent Order.
- Where the superintendent finds that a child who is registered isn't in fact receiving an educational program, the superintendent must inform MCFD.
- To prosecute - on receipt of an investigative report (or alternatively a Report to Crown Counsel) from the police, Crown Counsel will make a decision to

approve charges, or not, based on application of the charge approval standard, that is, whether the available evidence provides a substantial likelihood of conviction, and if so, whether a prosecution is required in the public interest.

**Q11: Can the superintendent carry out an investigation without receiving a report?**

- The superintendent can contact the Ministry if it is suspected a child is not receiving an educational program. The Minister can then ask the superintendent to investigate (School Act, section 6 – school regulation).

