



Office of the
Saskatchewan Information
and Privacy Commissioner

November 25, 2024

OPEN LETTER

Hon. Everett Hindley
Minister of Education
Room 361, Legislative Building
2405 Legislative Drive
Regina, SK S4S 0B3

Email: minister.edu@gov.sk.ca

Dear Hon. Everett Hindley:

RE: Independent Schools and the Advocate for Children & Youth report “Making the Grade – Moving Forward in Independent Education”

Congratulations on your appointment as Minister of Education. I did have previous correspondence with your predecessor regarding independent schools. I was mainly asking that in relation to access to records and protection of employee, student and parents’ personal information, that independent schools be treated like regular school boards. To do this, I was requesting that independent schools be made local authorities under *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP).

I note that certain independent schools have continued to attract publicity. I note that the Ombudsman has issued her [report](#), “Ministry of Education – Early Resolution dated June 30, 2023.” In her summary, she stated:

The Ministry of Education, specifically the Independent Schools and Home-based Education unit, is responsible for licensing and regulating registered independent schools in Saskatchewan. As of 2022-23, there were 64 independent schools operating in the province.

And she also stated:

The Ministry of Education has been given statutory authority and responsibility to oversee the certification, inspection, and regulation of independent schools in Saskatchewan. Under *The Education Act, 1995* and *The Registered Independent School Regulations*, the Ministry has the power to cancel or suspend the certificate of an independent school if it provides false or misleading information, violates relevant laws or policies, breaches certificate terms or conditions, no longer meets certification requirements, or if it is in the public interest. The Ministry's Registered Independent School Manual outlines policies and procedures for independent schools, covering

eligibility, registration, administrative requirements, staff, curriculum, instruction, evaluation criteria, as well as inspection and supervision. The inspection process is meant to ensure the well-being of students and compliance with necessary regulations, while non-directive supervision can be provided to enhance the performance of independent school teachers without disrupting school operations.

I also note the Saskatchewan Advocate for Children & Youth has commented on independent schools in her [Annual Report](#) (page 32) where she said:

INDEPENDENT SCHOOLS INVESTIGATION

In 2022, the Advocate launched a systemic investigation into the oversight and services of independent schools in Saskatchewan. The scope of this review examines historical current services provided to children and youth within the various categories of registered independent schools in Saskatchewan and the oversight and accountability mechanisms established and implemented by the Ministry of Education. This work also includes a cross-jurisdictional scan and uses a child-rights lens to ensure that this area of the education system is operating with the best interests of the child at its centre.

Allegations relating to criminal or civil issues are outside of the Advocate's jurisdiction and not the subject of our investigation. These matters are currently being handled by the appropriate authorities within the police and court systems.

...

I note the Advocate for Children & Youth has issued her report on Independent schools "[Making the Grade](#)" on December 12, 2023. I note in the recommendations (pages 116-120), the reference to access to records, protecting student information, and access to procedures and collecting information. These are the words used in LA FOIP.

We all are interested in the best interests of the child and from my point of view that involves making independent schools as transparent as is possible. In other words, as transparent as a regular board of education. This can occur by designating independent schools as local authorities under LA FOIP.

Also, in the best interests of the child we want to protect the personal information of that child, the child's parents or guardians and the best way to do that is to have Part IV (Protection of Privacy) in LA FOIP to apply to independent schools.

The Education Funding Regulations, 2018 provide for operating grants as follows:

Operating grants

8(1) Subject to subsection (2), a qualified independent school is eligible for an operating grant for each pupil enrolled in kindergarten to Grade 12 in the school who is a Saskatchewan resident, but who is not sponsored by a board of education.

I believe independent schools can receive as much as 80% of what a school board would receive for a student.

I note that boards of education are local authorities under LA FOIP which imposes obligations in terms of when collection, use and disclosure of personal information is appropriate and sets standards in terms of how to protect that information.

I am hopeful you are considering changes so that registered independent schools would have obligations regarding collecting, using, disclosing, and protecting personal information. Rather than creating a new set of regulations, I would ask you consider making registered independent schools local authorities. In doing this, registered independent schools would have the same obligations of boards of education.

I would appreciate discussing this matter with you and would appreciate your thoughts in a response to this letter. You can call me at (306) 537-4287.

Yours truly,

A solid black rectangular redaction box covering the signature area.

Ronald J. Kruzeniski, K.C.
Saskatchewan Information and Privacy Commissioner
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cc. Clint Repski, Deputy Minister of Education, clint.repski2@gov.sk.ca