



**Education Act – By The Numbers For Independent Schools  
Reporting Obligations Broken Down By The Line  
October 2012**



**Intention to operate private school**

16.(1) No private school shall be operated in Ontario unless notice of intention to operate the private school has been submitted in accordance with this section. R.S.O. 1990, c. E.2, s. 16 (1).

*Every private school must file the NOI annually either electronically (OnSIS through administration menu) or by requesting an NOI Form here -*

*<http://www.edu.gov.on.ca/eng/general/elemsec/privscho/operate.html>*

*\*There is a \$300 one-time fee for submitting an NOI for the first time.*

*NOI's can be submitted electronically or by hard copy:*

*\*schools that submit OnSIS reporting electronically MUST file NOI electronically – incomplete electronic submissions are not possible (all fields are mandatory)*

*\*schools that do not have the ABILITY to submit OnSIS data electronically, a hard copy NOI must be submitted. Incomplete hard copy NOIs will not be accepted and will be returned.*

*Schools will not be listed on the Ministry website without a complete NOI and may result in a late submission.*

**Idem**

(2) Every private school shall submit annually to the Ministry on or before the 1st day of September a notice of intention to operate a private school. R.S.O. 1990, c. E.2, s. 16 (2).

*NOI submissions are due by September 1<sup>st</sup> annually (conveniently so are OFIS membership renewals). NOI submissions received after September 1 are subject to Section (4)*

*Failure to submit the NOI application by this date will result in the revocation of the private school's Ministry identification number (BSID#). In such a case, the school would be removed from the list of private schools on the Ministry website. The school would also be responsible for notifying the parents of children who are of compulsory school age that their children are not enrolled in a school, as required by the Education Act. Ministry is entitled to revoke without warning after the deadline.*

**Idem**

(3) A notice of intention to operate a private school shall be in such form and shall include such particulars as the Minister may require. R.S.O. 1990, c. E.2, s. 16 (3).

*NOI submissions must contain accurate information. By signing it and/or submitting it electronically, you are agreeing that the information reported is accurate. Questions cannot be*

*left blank electronically (all fields are mandatory) or by hard copy (submissions with blanks will be returned and will possibly result in a late submission).*

*NOI submissions must include: school name, BSID number, address, ownership, hours of instruction, year's projected enrolment, school's actual enrolment from previous year, original signature (hard copies) or agreement to terms (electronic copies)*

*All schools should ensure they have a receipt for a successful submission (either electronically or hard copy). Keep a copy of the submission and all communication and receipts.*

### **Offence to operate private school without filing notice of intent to operate**

(4) Every person concerned in the management of a private school that is operated in contravention of subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$50 for every day such school is so operated. R.S.O. 1990, c. E.2, s. 16 (4).

*If your school does not submit annual NOI **on time** – MOE can fine “those concerned in the management of your school” \$50/day for each day it operates with an expired NOI – this could result in fines assessed towards any identified leaders operating the school.*

*MOE would first have to prove that the NOI was late and would only be able to assess such fines “upon conviction.” It is important to keep copies of all NOI submissions and email communication between your school and MOE.*

*MOE has always had the right to assess fines for late/non-existent NOI submissions. Fines have not been issued before Fall 2012.*

### **Return**

(5) The principal, headmaster, headmistress or person in charge of a private school shall make a return to the Ministry furnishing such statistical information regarding enrolment, staff, courses of study and other information as and when required by the Minister, and any such person who fails to make such return within sixty days of the request of the Minister is guilty of an offence and on conviction is liable to a fine of not more than \$200. R.S.O. 1990, c. E.2, s. 16 (5).

*All private schools must complete regular OnSIS (Ontario Student Information System - <https://www.gsa.gov.on.ca> - reporting 3 times annually:*

- October submission covers activity from July 1st to October 31st – due December 31st*
- March submission covers activity from November 1st to March 31<sup>st</sup> – due May 31st*
- June submission covers activity from April 1st to June 30<sup>th</sup> – September 30<sup>th</sup>*

*Schools gain login access by completing the appropriate ‘Secure Access Registration Form’ and request access. If schools have difficulty they can contact the OnSIS help desk - [onsis\\_sison@ontario.ca](mailto:onsis_sison@ontario.ca)*

*Schools that are behind in their OnSIS reporting (10/11 incomplete) will not be able to file next NOI without catching up with OnSIS reporting. If schools have an OnSIS login, they will not be able to request an NOI form from MOE and complete it in hardcopy for submission.*

## **Inspection of school**

(6) The Minister may direct one or more supervisory officers to inspect a private school, in which case each such supervisory officer may enter the school at all reasonable hours and conduct an inspection of the school and any records or documents relating thereto, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on conviction is liable to a fine of not more than \$500. R.S.O. 1990, c. E.2, s. 16 (6).

*MOE inspects (site inspection) all elementary & secondary private schools the first time an NOI is submitted. Subsequent inspections are complaint/concern driven and only happen when such complaints/concerns have been received by the Ministry. According to current legislation (Education Act), MOE may inspect for the following:*

*a) number of compulsory school age children – schools must be able to prove there are 5 or more*

*b) attendance records – MOE is responsible for truancy issues on behalf of the province*

*c) OSRs – are the property of MOE - all schools that establish and maintain OSRs must do so in accordance with this guideline (Ontario Student Record Guideline -*

*<http://www.edu.gov.on.ca/eng/document/curricul/osr/osr.html> (To order OSR and OST – Ontario Student Transcript – forms, private schools must register on the LMG website:*

*<http://www.LMGROUP.com/order/omniconnex/registrar.asp>*

*\*Private schools are not obligated to use OSRs but must still demonstrate accurate student record-keeping practices upon request of the Ministry*

*d) Report Cards – Ontario Student Record Guidelines (2000) indicate that private schools are not required to use the Provincial Report Card, but are required to issue report cards.*

*d) principal – there must be an identified principal on-site*

*e) program – there must be evidence of an identifiable program of instruction*

*f) health & safety – private schools must adhere to local health, safety and zoning obligations (if MOE has concern in this last category, it will report those concerns to local authorities for action. MOE does not have jurisdiction to suspend/close schools for health & safety)*

*These inspections can be unannounced or by appointment – it is unlawful to obstruct inspection – subject to a fine up to \$500 upon conviction. MOE would have to prove that it was obstructed in inspection before assessing such fines.*

*Absence of any of the above inspection requirements can result in loss of BSID# and fines. Time will likely be given for schools to improve standards but it is not obligatory. If agreements are made about timelines – they should be followed up in writing.*

*MOE has always had the right to assess fines for inability to inspect. Fines have not been issued before Fall 2012.*

## **Inspection on Request**

(7) The Minister may, on the request of any person operating a private school, provide for inspection of the school in respect of the standard of instruction in the subjects leading to the Ontario secondary school diploma, the secondary school graduation diploma and to the secondary school honour graduation diploma, and may determine and charge a fee for such inspection. R.S.O. 1990, c. E.2, s. 16 (7).

*Private secondary schools issuing credits towards the OSSD on behalf of the province are subject to additional bi-annual inspections of course outlines & program. These inspections have a fee schedule on a cost-recovery basis. Schools that do not pass these inspections may be subject to additional inspections and may be charged additional inspection fees by MOE.*

*The fee schedule for inspections held during the next three school years is as follows:*

*September 1, 2012 – August 31, 2013 - \$2,450*

*September 1, 2013 – August 31, 2014 - \$3,250*

*September 1, 2014 – August 31, 2015 - \$4,050*

*Schools requiring inspections will be invoiced and are subject to interest fees for late payments after 30 days. Failure to pay for inspection fees by the specified due date will also result in the revocation of the private school's credit-granting authority, and the scheduling of subsequent Ministry inspections.*

## **Inspection of teachers**

(8) The Minister may, on the request of a person operating a private school or of a person in charge of a conservation authority school or field centre, provide for the inspection of a teacher in such school or centre who requires the recommendation of a supervisory officer for certification purposes. R.S.O. 1990, c. E.2, s. 16 (8).

*Teachers who are certified in jurisdictions other than Ontario and want to receive an Ontario Teaching Certificate will be subject to the inspection requirements of a supervisory officer for certification purposes. It is not a requirement to have an OTC and teach in a private school in Ontario – Requirements For Becoming A Teacher In Ontario - [http://www.oct.ca/become\\_a\\_teacher/registration\\_guides/general\\_education\\_teacher\\_e.pdf](http://www.oct.ca/become_a_teacher/registration_guides/general_education_teacher_e.pdf)*

## **Agreements re tests**

(8.1) The Minister may enter into agreements with a person operating,

- (a) a private school;
- (b) a school provided by a band, the council of a band or an education authority where the band, the council of the band or the education authority is authorized by the Crown in right of Canada to provide education for Indians; or
- (c) a school provided by the Crown in right of Canada,

about administering tests to pupils enrolled in the school, marking the tests and reporting the results of the tests. 1996, c. 11, s. 29 (2).

*Private schools can participate in provincial standardized testing programs and may have those tests assessed by the Ministry. EQAO tests taken by independent school students will not be reported publicly with public school results.*

### **Same**

(8.2) Without limiting the generality of subsection (8.1), an agreement may provide for the charging of fees by the Minister to a person operating a school described in subsection (8.1). 1996, c. 11, s. 29 (2).

*Private schools administering provincial standardized tests must do so at their own expense.*

### **Offence for false statement**

(9) Every person who knowingly makes a false statement in a notice of intention to operate a private school or an information return under this section is guilty of an offence and on conviction is liable to a fine of not more than \$500. R.S.O. 1990, c. E.2, s. 16 (9).

*It is unlawful to give false information on an NOI – doing so may result in fines up to \$500 (must be proven by MOE first)*

*Any changes to NOI information must be reported to the MOE within 30 days. Failure to do so is perceived as making false statements are subject to loss of school BSID# and/or fines up to \$500 (must be proven by MOE first).*

*MOE has always had the right to assess fines for false statements. Fines have not been issued before Fall 2012.*