

Chapter 4

Ministry of Education

Section 4.06

Private Schools

Follow-up to VFM Section 3.06, 2013 Annual Report

RECOMMENDATION STATUS OVERVIEW

	# of Actions Recommended	Status of Actions Recommended			
		Fully Implemented	In Process of Being Implemented	Little or No Progress	Will Not Be Implemented
Recommendation 1	7	4	1		2
Recommendation 2	1	1			
Recommendation 3	5	2	2	1	
Recommendation 4	4	2.5		1	0.5
Recommendation 5	2	1.5			0.5
Recommendation 6	1			1	
Recommendation 7	2	0.5			1.5
Total	22	11.5	3	3	4.5
%	100	52	14	14	20

Background

The purpose of education, as stated in the *Education Act* (Act), is to provide students with the opportunity to realize their potential and develop into highly skilled, knowledgeable, caring citizens who contribute to society. The Act states that every child who attains the age of six years shall attend a public school unless that child is receiving satisfactory instruction at home or elsewhere. Private schools are considered one of the alternatives to public education and are defined in the Act

as institutions that provide instruction between 9:00 a.m. and 4:00 p.m. on any school day for five or more school-age pupils in any of the subjects of the elementary or secondary school courses of study.

All private schools are to be registered with the Ministry of Education (Ministry). During the 2014/15 school year, there were over 1,000 registered private elementary and secondary schools in Ontario that reported a total enrolment of approximately 110,000 students. These schools are considered to be independent organizations, and are not required to follow policies developed for

publicly funded schools (those schools in either English or French public or Catholic school boards) or to follow the Ontario curriculum unless the school offers credits toward the Ontario secondary school diploma (OSSD). The Ministry conducts inspections at only those registered private schools that offer credits toward an OSSD. Non-credit-granting schools are not inspected by the Ministry. The number of credit-granting and non-credit-granting private schools in Ontario in the 2014/15 school year is shown in **Figure 1**.

Parents choose to send their children to private schools for a variety of reasons, such as the school offers an educational approach that may better suit their children, the school reinforces the religious practices of the home, or they believe that private schools achieve better academic results. The actual academic results of standardized testing suggest that the quality of education provided by participating private schools varies from well below average to excellent. Not only do Ontario private schools range in quality from well below average to some of the best schools in Canada, they also vary significantly in size from sometimes less than the minimum five students to enrolment of well over 1,000 students.

Our 2013 audit found that the Ministry provided very little oversight to ensure that private school students were receiving satisfactory instruction. In fact, Ontario has one of the least regulated private school sectors in Canada. Consequently, on its website, the Ministry cautions parents to exercise due diligence before entering into a contract to educate their children at a private school.

Our significant observations from the 2013 audit included the following:

- All private schools were required to submit an annual notice that they intend to operate in the upcoming school year. For new schools the Ministry conducted a brief validation visit to check the information submitted and confirm that the school met the legal definition of a private school. However, during these visits the Ministry did not evaluate the curriculum

Figure 1: Registered Private Schools, 2014/15 School Year

Source of data: Ministry of Education

	OSSD Credit- granting Schools	Non-credit- granting Schools	Total
Elementary	–	545	545
Combined elementary and secondary	167	88	255
Secondary	279	13	292
Total	446	646	1,092

for either quality or content, did not check for any health and safety issues and had no process in place to inform other oversight agencies of any concerns observed. Except for this one-time visit, the Ministry provided almost no oversight of private elementary schools or secondary schools that did not offer high school credits.

- Given the limitations of the validation process, private schools were not permitted to state that the Ministry had approved their academic program. However, we identified several cases where private schools were advertising that their programs had been accredited by the Ministry. Parents, students and the public could be misled into thinking that the Ministry ensured some level of education quality at these schools. We also found several examples of entities advertising what appeared to be private school services without being registered with the Ministry. The Ministry did not have procedures in place to proactively identify unregistered schools that were operating illegally.
- In Ontario, anyone who cared for more than five children under the age of 10 had to be licensed under the *Day Nurseries Act*. However, private schools registered before June 1993 were permitted to operate child-care facilities without a licence. In contrast

to licensed daycare, there was no limit to the number of children of any age that private school staff could oversee, no fire safety requirements, and private school staff were not required to possess any child-care qualifications. The Ministry inspected licensed child-care facilities annually. However, after the initial validation visit in their first month of operations, the Ministry may never visit these private elementary schools that operate child-care facilities again.

- The Ministry inspected the standard of instruction in all the private schools that offer credits toward the Ontario secondary school diploma. About 100 of these schools were inspected more frequently than the others because of issues that may indicate credit integrity concerns. For example, it was brought to the Ministry's attention that some private schools were issuing students higher grades than earned or giving credit for courses that students had not attended. The Ministry had developed additional procedures to investigate such practices, but many education officers informed us that they did not have sufficient time to perform these supplementary procedures.
- Approximately 250 private schools had still not submitted the required information on their students for the 2011/12 school year by June 2013, a full year after the school year had ended. For data that is submitted, the Ministry had no process in place to verify its accuracy and relied on the good faith of private school administrators. For the public school system, the Ministry analyzes such data to determine if students are receiving satisfactory instruction and progressing academically. However, the Ministry had not done any such analysis for private school students.
- The Ministry has exclusive authority to grant the Ontario secondary school diploma. To help prevent diploma fraud and ensure

control over blank diplomas pre-signed by the Minister of Education, the Ministry reconciles public schools' requests for diplomas to grade 12 student enrolments. However, this procedure had not been applied to private schools. In fact, the Ministry provided thousands of diplomas to private schools without identifying for whom these diplomas were intended. For example, for the 2011/12 school year, 30 private schools were issued a total of 1,500 more diplomas than their grade 12 student populations, and 50 other private schools were issued 2,300 diplomas even though they had not submitted any student enrolment data by June 2013.

- The Education Quality and Accountability Office (EQAO) helps to ensure satisfactory instruction by testing all students in the public school system at grades 3, 6 and 9. Some private schools participate in EQAO testing, and all private school students pursuing an Ontario secondary school diploma must write the EQAO's Ontario Secondary School Literacy Test (OSSLT). We reviewed EQAO test results and noted that a greater percentage of public school students achieved the provincial standard than private school students. In addition, in 2012, 82% of public school students passed the OSSLT on the first attempt, compared to 73% of private school students. The results for a sample of these private schools varied considerably, from an overall school pass rate of 19% to 100%. The Ministry did not analyze such EQAO results to determine if students in private schools are receiving satisfactory instruction.

We made a number of recommendations for improvement and received commitments from the Ministry that they would take action to address our recommendations.

Status of Actions Taken on Recommendations

According to information we received from the Ministry, progress has been made on implementing about two-thirds of the recommendations in our *2013 Annual Report*, which were aimed at ensuring quality instructions and credit-integrity at private schools. For instance, the Ministry has given education officers access to student information submitted by credit-granting private schools, which will not only allow verification of the accuracy of the information, but will also enable them to identify trends that may indicate educational quality issues. In addition, the Ministry has enhanced its inspection documentation process and is now retaining more detailed records from its inspections of credit-granting schools. New legislation is also being introduced to require all child-care services in private schools serving five or more children under the age of 3 years and 8 months to be licensed, which will ensure that these services meet legislated health, safety and educational quality requirements.

However, the Ministry has either not taken action on, or had decided not to implement, about a third of our recommendations, many of which relate to non-credit-granting schools. For example, the Ministry will not visit campus locations of non-credit-granting schools to verify that they comply with Ministry policy and legislation as recommended in our last audit. The Ministry also will not be analyzing test results of non-credit-granting private school students to identify and follow-up on outcomes that suggest these students are not receiving quality education. According to the Ministry, its focus is on ensuring that credit-granting schools are meeting ministry requirements, and will continue to rely on non-credit-granting schools to self-report compliance with ministry requirements. We continue to support our recommendations in these matters to ensure every child

is receiving satisfactory instructions in all private schools.

The status of the actions taken on each recommendation is described in the following sections.

Establishing and Maintaining Status as a Private School

Recommendation 1

To help ensure that private school students receive satisfactory instruction in a safe and healthy environment and to ensure compliance with ministry policy and legislation, the Ministry of Education (Ministry) should:

- *enhance the notice of intention and validation processes to require private schools to demonstrate that their students are receiving satisfactory instruction;*

Status: Fully implemented.

Details

The *Education Act* requires all private schools to submit a Notice of Intention to Operate a Private School (notice of intention) to the Ministry by the first of September each year. When the Ministry receives a notice of intention for a new private school, an education officer conducts an unannounced validation visit within the first month of the school's operation. The objective is to verify the accuracy of the information contained in the notice of intention, that the school meets the legal definition of a private school and that the Ministry's general requirements for a private school are in place. For existing schools, the Ministry does not perform validation visits or otherwise confirm that the information submitted by the schools is correct.

Our 2013 audit noted that the education officers did not generally retain supporting documentation from their validation visits to the schools or record their procedures for verifying how new schools met the statutory definition of a private school before approving the schools for registration. We also noted that there were no specific criteria or procedures to guide education officers in their

assessment of whether the general requirements for private school are present. Education officers simply searched for evidence that the general requirements exist but do not evaluate how effectively they have been implemented. For example, to verify that the schools met the requirement for “control of content of program or courses of study”, some education officers inquired about what programs were being taught, while others reviewed the school textbooks. In addition, all officers who we interviewed stated that, at private elementary schools and secondary schools that do not offer diploma credits, the curriculum was not evaluated for either quality or content.

Since our audit, the Ministry has revised the notice of intention form to include information on the qualification of the school principal, the number of teachers who are members of the Ontario College of Teachers, and whether the school has a child-care centre under the *Child Care and Early Years Act*. The Ministry also implemented a new business rule requirement for schools to submit overdue student information for their schools before their notice of intention can be submitted to the Ministry. Schools that do not submit them by September 1 for the upcoming school year cannot operate as a private school for that year.

In addition, to provide additional guidance to education officers in assessing whether schools met the Ministry’s general requirements, in June 2015 the Ministry developed a new set of assessment criteria and provided related training. For example, to determine whether a new non-credit-granting school has “control of the content of the program or courses of study”, education officers are advised to look for the presence of a curriculum, determine whether the principal is able to articulate a curriculum overview and whether the school offers full day day-school programs or an after-school program. The new criteria and training further clarified how schools should be assessed with regards to meeting the requirements in the validation process.

- *notify the appropriate authorities of any health and safety concerns observed during onsite school visits;*

Status: Fully Implemented.

Details

Our 2013 audit noted that private schools found to have health and safety concerns during validation visits, such as inadequate washroom facilities, a lack of fire exits, or classrooms that appears too small for the number of students, were still recommended for registration and allowed to operate. There was no formal process in place to document these concerns or inform oversight agencies.

At the time of our follow-up, the Ministry had revised its health and safety procedures concerning private schools to require education officers to file a complaint with the appropriate authorities when issues such as fire code violation, major structural damage to classroom areas, or unsafe areas for children are noted during their onsite school visits. They are also required to immediately contact Children’s Aid Society to report any issues involving child safety. The related training for these new procedures was held in September 2015.

- *revalidate private schools annually or on a cyclical basis to ensure that information provided is correct and to revoke the authority to operate for those schools that do not meet the definition of and general requirements of a private school;*

Status: Will not be implemented.

Details

Our 2013 audit identified that, although all private schools had submitted their annual Notice of Intention to Operate a Private School to the Ministry as required, the Ministry had not performed a validation visit or otherwise confirmed that the information submitted was correct. This information is self-reported by the school and

education officers were not required to – and had not – verified any of the submissions.

In addition, after the initial validation review in the first year of operations for new schools, the Ministry has no policy in place to verify that the general requirements for a private school are still present. Although there are ongoing inspections of the credit-granting schools which might mitigate some of the risks for these schools, there are no inspections of the non-credit-granting schools which are also not required to provide any information on how they continue to meet these requirements.

The Ministry stated that it is not considering implementing our recommendation to revalidate all private schools as their focus is on inspections of credit-granting private schools. For private elementary and non-credit-granting secondary schools, the Ministry will continue to rely on the self-reporting by these schools. We believe that the Ministry still has the responsibility to ensure that the private schools it permits to operate continue to meet the general requirements of a private school.

- *provide education officers with access to the Ontario School Information System to, for example, reconcile and validate enrolment;*
Status for credit-granting schools: Fully implemented.
Status for non-credit-granting schools: Will not be implemented.

Details

The Ministry requires private schools to submit student information to its Ontario School Information System (OnSIS) – a web-based application that integrates school, student, educator and course data. At the time of our audit in 2013, education officers did not have access to this system and were unable to verify student information to determine if schools continued to meet the requirements necessary to be registered as private schools. For instance, we reviewed the data collected through

OnSIS and found that several schools reported actual enrolment of fewer than five students, with one school reporting fewer than five students for six consecutive years, which meant these schools no longer met the minimum requirements to register as a private school. We selected a sample of these schools and found that the enrolment reported in OnSIS did not correspond to enrolment reported on the Notice of Intention form for any of the samples selected.

Since our audit, the Ministry has given education officers access to reports of select information on the credit-granting private schools, but not for non-credit-granting private schools. Information provided on credit-granting schools includes a brief overview of the school (e.g. principal, address, enrolment), marks distribution and pass rates in English, Math and Science (as applicable), and student achievement indicators (e.g. Ontario Secondary School Literary Test pass rates, attempted and earned credits). Training for education officers on the use and reconciliation of the OnSIS system was held in September 2015. The Ministry indicated it has no plan to reconcile and validate information submitted by non-credit-granting schools, because its focus is on ensuring credit-granting schools are meeting ministry requirements. We continue to support our recommendation to reconcile and validate student information provided by all private schools to ensure they continue to meet the requirements necessary to be registered as private schools.

- *identify all private school locations and verify that all locations comply with ministry policy and legislation;*
Status for credit-granting schools: Fully Implemented.
Status for non-credit-granting schools: Will not be implemented.

Details

Our 2013 audit found that the Ministry only required private schools to provide data on their primary location. As a result, private schools could be operating additional locations that were undocumented by the Ministry. In 2010, through a one-time request to private schools to identify their additional locations, 117 private schools reported they were operating 180 additional locations, 87 of which were offering diploma credit courses and 93 of which were non-credit-granting schools. The Ministry had no previous knowledge of the existence of many of these locations and, therefore, had not inspected any of them. The Ministry, in response to our recommendation in 2013, informed us that it would begin requesting that private schools report additional locations on their annual Notice of Intention to Operate a Private School submission starting in the 2013/14 school year.

In 2014/15, the Ministry amended its policy to disallow the operation of additional locations by all credit-granting private schools, except for First Nations schools, unless these additional locations underwent the required validation and inspection processes. They are now required to submit their own Notice of Intention to Operate a Private School form, and to meet all of the requirements of a new private school. If a location failed to do so, then it had to either operate as a non-credit-granting school or close down. Of the 87 additional locations identified in 2010 that offered diploma credit courses, 48 are now operating as credit-granting schools and three as non-credit-granting schools. The rest of the schools either ceased operation (14) or are First Nation schools (22) on reserves which are still allowed to continue to operate additional campuses.

The Ministry continues to allow the 93 additional locations identified by non-credit-granting schools to operate under the Notice of Intention to Operate a Private School for their main sites. The Ministry has no plan to validate or inspect any of these additional locations. We believe that these locations should be visited at least once, similar

to when new schools are visited to verify that the schools meet the legal definition of a private school, and that the Ministry's general requirements for a private school are in place.

- *ensure that closed schools forward all student records to the Ministry as required;*

Status: In the process of being implemented by August 2016.

Details

Private schools that cease operations must forward student records to the Ministry to ensure that essential information on their students is preserved. In our 2013 audit we found that 235 private schools had ceased operations between the 2007/08 and 2011/12 school years, and less than half of our sampled schools had forwarded student records to the Ministry. The Ministry sent letters to private schools that had closed, informing them of this obligation, but did not perform any additional follow-up if the school did not forward student files or respond to the letter.

The Ministry stated it has no mechanisms to use to compel private school operators to comply with this requirement. To encourage closed schools to forward student records, the Ministry now sends schools reminder letters regarding the obligation to submit student records. It also included descriptions of this obligation in its Spring 2015 memoranda and policy manual. As of our follow-up, 21 of 113 schools that ceased operations between 2012/13 and 2014/15 have submitted their student records. To further encourage schools to forward student records, the Ministry is in the process of updating their student record submission guideline to include a new requirement for private schools to collect and organize for transfer to the Ministry (or another educational institution upon receipt of a written request) any student records in the school's possession following its closure, including those of students who have graduated or no longer attend the school. The update is expected to be completed by August 2016.

- *develop a process to proactively identify schools that are not complying with the advertising guidelines or are operating illegally without being registered.*

Status: Fully Implemented.

Details

Private schools are not permitted to claim that the Ministry has approved or accredited their academic program. However, in our 2013 audit, we found several cases of schools advertising that their programs were accredited by the Ministry. In a three-year period, the Ministry had issued nine cease and desist letters to organizations for false advertising or for claiming to be private schools when they were not registered with the Ministry. However, these cases were all identified through complaints by the public and the Ministry had not taken proactive measures to identify schools that were operating illegally.

To ensure schools that are reported as closed or that fail the validation process are not operating illegally, the Ministry has directed education officers to visit these properties to ensure they are no longer in operation. The Ministry visited 12 closed schools during 2014/15 and did not find any to be operating illegally as a private school. To proactively identify schools that do not comply with its advertising guidelines, the Ministry implemented a policy in August 2015 to conduct weekly audits of a minimum of 10 private school websites, and follow up accordingly if non-compliance is noted.

Private Schools with Day Nurseries

Recommendation 2

To reduce health and safety risks to preschool children and ensure compliance with legislation, the Ministry of Education (Ministry) should identify all private schools that operate child-care facilities and ensure that these schools are licensed under the Day Nurseries Act and inspected as required by legislation.

Status: Fully implemented.

Details

In Ontario, any facility that cares for more than five children under the age of 10 who are not of common parentage must be licensed by the Ministry under the *Day Nurseries Act*. This Act exempted all private schools from its licensing requirements. However, the Ministry issued a policy in June 1993 requiring new private schools to obtain a child-care licence if they served more than five children under junior kindergarten age (three years, eight months). Private schools already operating and serving children under junior kindergarten age were allowed to continue providing these services without a licence. In effect, these child-care facilities within private schools were exempt from having to comply with a comprehensive list of standards for the health, safety and developmental needs of the children, including limiting the number of children per staff, approving fire evacuation plans and ensuring supervisory staff hold diplomas in early childhood education. They were also exempt from the annual inspection requirement under the *Day Nurseries Act*. In total, there were 361 private schools with child-care facilities that met the exemption criteria.

Since our audit, to ensure that all schools that offered child-care services are licensed, a new *Child Care and Early Years Act* (Act) was introduced to require that all facilities serving five or more children under junior kindergarten age, including the previously exempted private schools, obtain a license to legally operate. The Act came into effect on August 31, 2015, and all private schools are required to obtain a license by January 1, 2016.

The Ministry has identified 82 of the 361 private schools serving five or more children under junior kindergarten age which would now require a license. As of July 2015, 81 of the 82 schools had submitted their license application. The Ministry committed to begin performing site visits to these schools in the summer of 2015 to determine whether a license should be issued. At the time of

the finalization of this report in October 2015, the Ministry had completed 17 visits.

In order to identify any new unlicensed private schools operating child-care facilities in the future, the Ministry noted that, beginning in the 2014/15 school year, it began to flag and follow up on private schools that report they serve five or more children under junior kindergarten age. They will do the same during their validation visit at new private schools. The Ministry will also follow-up on unlicensed child-care services in private schools that come to their attention through complaints.

Diploma Program Inspections

Recommendation 3

To ensure that adequate policies and procedures are in place to verify that credit-granting private schools are awarding course credits and diplomas in compliance with ministry policies, including the provincial grade 9 to 12 curriculum, the Ministry of Education (Ministry) should:

- *use its established criteria to assess the risk of non-compliance so that it can rank all credit-granting schools and devise an inspection frequency schedule according to the risks identified;*

Status: Fully Implemented.

Details

The Ministry inspects private schools that offer credits toward a high school diploma on a cyclical basis, generally once every two years. In addition, if a previous inspection determined that a school's operations were significantly non-compliant with ministry policies, an education officer may recommend more frequent inspections.

We noted in our 2013 audit that, although the Ministry had established risk management criteria to identify priority schools that needed to be inspected earlier in the year or more frequently, the Ministry had not always documented its assessments to support conclusions reached. Furthermore, none of the three regions we visited

had performed a region-wide analysis to assess the risk at all schools, potentially not identifying all high-risk schools needing more frequent inspections.

Since our audit in 2013, the Ministry has updated its procedures to create a list of province-wide "priority" private schools with significant issues related to credit integrity based on its established risk management criteria and inspection results. Education officers annually review the high-risk school list from the prior year as well as the newly recommended schools and collectively determine which school should be inspected more frequently in the upcoming year. For the 2014/15 school year, the Ministry had identified 139 high-risk schools.

High-risk priority schools are tracked and monitored closely by the education officers across the various regions. Inspection frequency is based on inspection results, which are tracked on inspection reports and monitored by education officers.

- *document procedures undertaken, significant non-compliance observed and conclusions reached during inspections, and retain all documentation for management oversight and subsequent review;*

Status: Fully Implemented.

Details

Our 2013 audit noted that the Ministry's inspection files did not include supporting documentation, such as copies of completed checklists, whether the minimum required number of classrooms was visited, whether the required amount of time was spent at each classroom and whether the minimum required number of Ontario Student Records was reviewed. In general, education officers did not sufficiently document their inspection activities and decision-making. As a result, we could not assess how well education officers were complying with the Ministry's requirements.

Since our audit, the Ministry has revised its filing and documentation procedures in order to

support decisions made by the education officers during the inspection process, confirm the validity of decisions made by private schools with regard to student assessment and achievement, and document any required follow-up with respect to critical issues identified by the officers. These include:

- In September 2014, the Ministry centralized the private school filing system to consolidate inspection materials for four of its six regions in Toronto at the office of Private Schools and International Education Unit, with only the Sudbury/North Bay and Thunder Bay Regional Offices remaining responsible for their own filing of these documents. A full-time administrative assistant and temporary administrative assistant have also been hired to assist with the maintenance of all related files and documents.
- In March 2015, the Ministry issued a new procedure to encourage a consistent approach to documentation of the inspection process across the province – Filing and Documentation of Inspection Materials, Reports and Evidence. This document lays out the requirements to record decisions and retain materials created during the course of the inspection process, including those provided by the private schools to show compliance with ministry requirements, correspondences and notes of telephone calls or visits on follow-up activities and action plans developed by the private schools. It also includes any other documentation that should be retained at the discretion of the Ministry.

In addition, for inspections at high-risk schools with credit integrity issues, all documents created by the schools to demonstrate fulfillment of ministry requirements and to support their decisions regarding student assessments and achievements must be retained. Examples of the documentation to be retained for high-risk schools include: course outlines, class timetables, school course calendars, samples of final student evaluations, and the

school's action plans to address critical issues identified during ministry inspections.

- *consider a conditional rating for new private schools that are not yet fully compliant;*
Status: In the process of being implemented by February 2016.

Details

Our 2013 audit found that new private schools were permitted to operate and grant diploma credits even when significant non-compliance was identified. Compliance issues included situations where curriculum expectations were not always evident in classrooms and there was a lack of evidence that the mandatory 110 hours of instruction were being scheduled and delivered. The Ministry stated that its practice was to provide schools with an opportunity to address non-compliance issues within a specified time frame, rather than proceeding directly to the removal of credit-granting authority.

At the time of our follow-up, the Ministry was in the process of introducing a “conditional” rating for new private schools that are not fully compliant with ministry requirements. However, the Ministry has indicated that the criteria for the conditional status would only include administrative non-compliances, such as failure to submit OnSIS data and late fees, and does not include criteria related to the quality of education which is evaluated as part of the inspection process. The Ministry still needs to include such criteria to ensure parents have complete information when selecting a school for their children.

The Ministry has held discussions with its Legal Services Branch regarding the creation of a new “conditional” status for schools that are not in compliance with ministry requirement; it is expected to be implemented in the 2015/16 school year. Communication of the new “conditional” status has been included in the Spring 2015 memorandum to the schools and the Ministry has committed to continuing this communication in subsequent memoranda.

Schools with the “conditional” status will be listed on the ministry website and will have until the end of the current school term (either December, June or August) to provide evidence that the school has come into compliance. Any schools that are unable to provide sufficient evidence of compliance will no longer be able to operate as a private school in the next school term. The Ministry is aiming to finalize the criteria by fall 2015 and to formally roll-out the new policy in February 2016.

- *review whether the “P” notation on public school student transcripts is influencing post-secondary admission decisions as intended;*

Status: Little or no progress.

Details

The Ministry requires public schools to flag student transcripts with a “P” notation for courses taken at private schools. The purpose is to address concerns that some public school students may take courses at private schools in order to obtain higher marks, which will give them an advantage in university admissions and scholarship applications.

Our 2013 audit noted that for the 2010/11 and 2011/12 academic years, approximately 6,000 courses were taken by public school students at private schools, with two-thirds of these courses being at the grade 12 level. Many universities we interviewed during our audit stated that the “P” notation is not well understood and that they accept credits issued by private schools at face value. As of our follow-up, the Ministry had not done any review to determine whether the “P” notation is influencing post-secondary admission decisions as intended. The Ministry plans to survey postsecondary admissions offices in February 2016 to determine if the notation is influencing admissions decisions.

- *establish effective procedures to identify, track and take timely corrective action against private schools that are repeatedly non-compliant with ministry policies.*

Status: In the process of being implemented by February 2016.

Details

During the inspection process, an education officer may determine that a private school with credit-granting authority is not complying with ministry policies to an extent that could affect the integrity of the credits issued by the school. These concerns are to be communicated to the private school principals, who are then expected to prepare an action plan to address significant non-compliance. A follow-up inspection is then to be performed to ensure that any issues identified have been corrected.

Our review of a sample of inspection reports in 2013 noted that the majority of these reports had some concerns in relation to compliance, with about one-third identifying non-compliance to be at a level that could potentially affect the integrity of credits issued by the schools. Examples of concerns include a lack of evidence that the required 110 hours of instruction were scheduled and delivered, and expectations set out in the curriculum were not met. It was also noted that not all issues found during inspections were recorded in the reports if the issues were corrected at the time of the follow-up visits. For schools that did not have follow-up visits, they were given until the next inspection cycle to resolve compliance issues. In addition, there were no guiding principles to assist education officers in determining the degree of non-compliance that would lead to credit-granting authority being denied.

Since our audit, the Ministry has revised its validation and inspection processes to better document decisions by the education officers and related follow-up activities to ensure instances of non-compliance noted from inspections of the schools are documented (as discussed under an earlier recommendation). The Ministry also worked with its Education Statistics and Analysis Branch to compile the list of private schools not in compliance with ministry data submission requirements. In conjunction with the tracking of schools with

the “conditional” status, once implemented in February 2016, they will identify schools that are not in compliance with requirements for action by the Ministry. In addition, the Ministry’s current list of province-wide “priority” private schools also tracks schools with credit integrity issues which require more frequent inspections.

The Ministry has also developed new training materials and internal policy to assist education officers in assessing when non-compliance should lead to the denial or revocation of credit-granting authority. The related training sessions were held in June 2015.

Required Data Submissions and Reporting

Recommendation 4

To help ensure that sufficient information is submitted to enable effective oversight of the private school sector and compliance with legislation and related policies, the Ministry of Education (Ministry) should:

- *consider various options to encourage private schools to submit the required information on a timely basis;*

Status: Fully implemented.

Details

Section 16 of the *Education Act* states that private schools are to provide statistical information regarding student enrolment, staff, courses of study and other information, as required by the Ministry. This information is to be submitted three times a year through the Ministry’s Ontario School Information System (OnSIS) – a web-based application that integrates school, student, educator and course data. For private elementary and non-credit-granting schools that do not offer diploma credits, they are only required to submit their aggregate student enrolment for the year.

Our 2013 audit found that many private schools did not submit the required student-specific data to the Ministry on a timely basis. For example, in June 2013, data for the 2011/12 school year was

still outstanding for approximately 25% of private schools.

In order to encourage schools to submit the required statistical information, the Ministry reminded schools of the requirement through letters and memoranda. The Ministry also provides assistance to schools in navigating through the online system and submitting the required information successfully. Ad hoc reports are run to determine the schools’ data submission status, to determine if schools are in compliance.

Beginning in July 2015, private schools that have not submitted their latest statistical information are not able to submit their notice of intention for future school years. In addition, credit-granting schools can no longer request diplomas for graduating students from the Ministry unless they are up-to-date with their data submission.

The Ministry aims to collect data from approximately 92% of the schools annually, as some schools – such as those that were closed during the school year – no longer submit any data. As of October 2015, approximately 97% of private schools had submitted the required 2014/15 school year data to the Ministry.

- *implement procedures to periodically verify the accuracy of the data submitted by private schools;*

Status for credit-granting schools: Fully implemented.

Status for non-credit-granting schools: Little or no progress.

Details

The Ministry uses data collected through OnSIS to make informed policy decisions for public schools based on graduation rates, course pass rates and student credit accumulation. This information is used to help ensure that students in the public school sector are progressing and receiving satisfactory instruction. However, our 2013 audit noted that the Ministry had not done any such analysis of the data from private schools as there are

significant challenges in obtaining complete and accurate information from the private schools in a timely manner.

Since our audit, the Ministry has now required the accuracy of the information reported by the credit-granting schools to be verified as part of the inspection process. Education officers will have access to reports of select information from OnSIS for the credit-granting schools, such as the number of students enrolled and course enrolment information that they can use as baseline information during school inspections. This new process has been finalized and formally implemented starting in September 2015 for the 2015/16 school year inspections. However, this process will not be applied to non-credit-granting schools as they are not subject to inspection by the Ministry after the initial validation visit upon the opening of the school.

To ensure reasonableness of statistical data submitted by all private schools, the Ministry established and implemented additional verification rules for its online OnSIS data submission system in May 2013. For example, the system will not allow elementary schools to have students above the grade 8 level, and the number of teachers reported as members of the Ontario College of Teachers must not be greater than the total number of teachers employed.

- *analyze data received to highlight potential concerns and to determine if private school students are progressing appropriately;*
Status for credit-granting schools: Fully implemented.
Status for non-credit-granting schools: Will not be implemented.

Details

Our 2013 audit found that the Ministry did not analyze private school student data as it did with public schools due to challenges with the completeness, accuracy and timeliness of when the information was received. To address the lack of analysis of

private-school data, beginning in September 2015, education officers started to review select data reported in the OnSIS system as part of the credit-granting schools inspection process including:

- each course's marks distribution and pass rates;
- number of diplomas issued in each of the past five years;
- student credit accumulation data; and
- number of students who withdraw from courses.

The Ministry has also developed a guide to help education officers interpret and analyze the data. The guide poses questions of potential interest that may be considered part of the inspection process. For example, education officers are instructed to ask how the distribution of marks for each course/course type at the private school compares with the provincial public and private marks distribution, and what percentage of students in each grade were re-taking courses which they had previously taken at a public school.

However, for non-credit-granting schools, the Ministry does not analyze this data to highlight potential concerns at these schools, as it continues to focus only on credit-granting schools. We continue to support the recommendation for the Ministry to analyze data of all private schools.

- *consider assigning Ontario Education Numbers to all private school students to help verify compulsory school attendance.*

Status for credit-granting schools: Fully implemented.

Status for non-credit-granting schools: Little or no progress.

Details

An Ontario Education Number (OEN) is a unique identification number that enables the recording of student-specific information as well as each student's progress through the educational system. The number also facilitates the collection and analysis of data about Ontario's system in general.

Our 2013 audit noted private elementary and non-credit-granting secondary schools were not required to assign OENs to their students, but had the option to do so.

As of our follow-up, this policy had not changed. However, to encourage the assignment of OENs, the Ministry communicated this option in the 2014 and 2015 memoranda to private schools. Beginning October 2013, the Ministry also simplified the application process by allowing the application for these numbers through its online system. However, the Ministry currently has no plan to make the assignment of OENs a requirement for students in private elementary and non-credit-granting secondary schools, as it continues to focus its effort on ensuring credit integrity at credit-granting private schools.

At the time of our follow-up audit, there were 38,000 students enrolled in private elementary and non-credit-granting secondary schools in Ontario who are eligible to be assigned an OEN. The Ministry has not tracked how many of these students have been assigned an OEN. Without OEN numbers, the Ministry cannot track the progress of these students through the educational system.

Issuing Blank Diplomas and Certificates

Recommendation 5

To help ensure that Ontario secondary school diplomas and Ontario scholar certificates are issued only when they are earned and that adequate controls are in place over their distribution, the Ministry of Education (Ministry) should:

- *reconcile the number of diplomas and certificates requested to the number of graduating students reported at each private school, and investigate any unreasonable discrepancies;*

Status for the issuance of Ontario secondary school diplomas: Fully Implemented.

Status for the issuance of Ontario scholar certificates: Will not be implemented.

Details

Our 2013 audit noted that the Ministry has not been comparing the number of graduating students to the number of diplomas requested by the private schools. When we compared the number of diplomas requested to the number of student enrolment reported in the OnSIS system for the past three academic years, we noted that in 2011/12, 30 private schools were issued a total of 1,500 diplomas in excess of their entire grade 12 student population. The Ministry was also issuing diplomas to private schools that had not submitted their enrolment figures.

In order to control the number of diplomas that can be requested by each private school and expedite the diploma request process, the Ministry deployed a new online request system for the June 2015 graduation year. The new system automatically calculates the maximum number of diplomas each school can request based on the average number of graduating students reported in the prior three years, which helps ensure the number of diplomas available for request corresponds to the number of graduates.

Schools can request additional diplomas and certificates by contacting the Ministry, and these are issued at the Ministry's discretion if schools are able to demonstrate a need for extra copies. As an additional mechanism to control the number of blank diplomas schools have on-hand, beginning in 2013/14 the Ministry also started tracking and deducting the number of unused diplomas of the previous year (calculated by diplomas issued minus the number of graduates reported) from the projected number of diplomas for the current graduation cycle. The Ministry's new projection formula prevents unreasonable diploma requests from being automatically fulfilled.

To monitor the volume of diplomas requested by each school, beginning in the 2013/14 school year the Ministry started running a daily report during the June graduation diploma request period to identify and investigate any school that requested

5% or more diplomas above their grade 12 enrolment.

Ontario Scholar Certificates are awarded to students who have achieved at least an 80% average. In our 2013 audit we noted that some private schools requested scholar certificates equal to the number of diplomas, suggesting that all of their graduates would achieve an 80% average. At the time of our follow-up, the Ministry planned to continue issuing certificates equal to the total number of diplomas issued. And, as part of the inspection of the schools, inspectors will verify whether these certificates have been awarded to students who have obtained at least an 80% average. We continue to believe that the Ministry should only issue Ontario Scholar Certificates to private schools equal to the number of students who have obtained at least an 80% average.

- *distribute diplomas and certificates to only those private schools that submit student-specific data for graduating students.*

Status: Fully Implemented.

Details

Our 2013 audit noted the Ministry was issuing diplomas to private schools that had not submitted their student enrolment figures. For instance, in June 2013, 50 schools still had not submitted their 2011/12 student enrolment information but received over 2,300 diplomas from the Ministry without having to demonstrate that they had any graduating students.

Beginning with the June 2015 graduation year, private schools that have not submitted their previous year's student enrolment data will not be able to request any diplomas and certificates from the Ministry. This new policy ensures that schools will stay up-to-date with their enrolment data submissions.

Policy and Legislative Enforcement

Recommendation 6

To better ensure compliance with the Education Act and policies related to private schools, the Ministry of Education (Ministry) should consider a legislative framework that would provide more flexible and cost-effective enforcement tools that are commensurate with the nature and extent of non-compliance.

Status: Little to no progress.

Details

Section 16 of the *Education Act* outlines a number of requirements for private schools and the penalties for non-compliance. The penalties were last updated in the 1970s. Currently, the penalties outlined in the Act include a fine of \$50 a day for every person managing a private school without a notice of intention, a maximum of \$200 for the person in charge of a school who has not provided statistical information to the Ministry within 60 days of the request, and up to \$500 for every person who knowingly makes a false statement on a notice of intention form or information return. According to the Act, an individual or school must be convicted of these offences before any fines can be imposed. The Ministry has stated that, as a result of this requirement, enforcement is not fiscally responsible, as legal costs of pursuing a conviction far outweigh the fines that may be collected. However, during the summer of 2015, six private schools were charged; four have been convicted.

The original ministry response to our 2013 recommendation stated that the Ministry would continue to expand initiatives to provide information to parents and students regarding consumer awareness in the private school sector. As for issues of enforcement, the assessment of options would be commensurate with the Ministry's role in this sector and that of education ministries in other provinces.

There has been no progress made on these commitments. The Ministry indicated it will begin

exploring potential changes to the Act in the summer of 2015.

Testing of Private Schools Students

Recommendation 7

To help ensure that private school students receive satisfactory instruction and are provided with the opportunity to realize their potential and develop into highly skilled, knowledgeable citizens, the Ministry of Education (Ministry) should:

- *consider options to increase private school participation in standardized testing;*

Status: Will not be implemented.

Details

The Education Quality and Accountability Office (EQAO), an independent agency of the Ministry, helps to ensure satisfactory instruction by testing the various grades in the publicly funded school system. Standardized tests are administered in grades 3 and 6 for reading, writing and mathematics, grade 9 for mathematics, and grade 10 for the Ontario Secondary School Literacy Test (OSSLT). Successful completion of the grade 10 OSSLT is a requirement to obtain the Ontario secondary school diploma for both public and private schools.

Our 2013 audit noted that, although it is not a requirement that private schools participate in the standardized tests for its students, some do. For example, in the 2011/12 school year, 112 private schools participated in the grade 3 and 6 assessments, and 18 participated in the grade 9 assessment. All credit-granting schools participated in the grade 10 OSSLT test.

Currently, the Ministry is not considering options to increase private school participation in future standardized testing since changes to legislative authority would be needed to require private schools to participate. We continue to support the recommendation for the Ministry to consider options to increase private school participation in

standardized testing to ensure satisfactory instructions are provided to all students.

- *analyze test results for private school students and follow-up on any outcomes that suggest these students are not receiving a quality education.*

Status for analyzing OSSLT results: Fully implemented.

Status for analyzing grade 3, 6 and 9 EQAO assessment results: Will not be implemented.

Details

Our 2013 audit reviewed the results of the standardized testing scores for private schools that have elected to participate in the standardized tests for their students. It noted that, although individual school results varied significantly, a greater percentage of public school students achieved the provincial standard than private school students. In our sample of private schools' Ontario Secondary School Literacy Test (OSSLT) results, we found that the outcomes for these schools varied considerably, from well below the provincial average to excellent, with pass rates ranging from 19% to 100%.

Starting September 2015 prior to the inspection of the credit-granting secondary schools, the education officers will review the OSSLT pass rates for the past five years for these schools for trends and areas of concern for follow-up during the inspections. For example, in their review of OSSLT results, education officers are instructed to consider factors such as whether the OSSLT pass rate changed over the years, and whether the pass rates are comparable with the results of courses offered at the schools.

The Ministry will not be analyzing grade 3, 6 and 9 EQAO assessments, as not all private schools participate in these tests and no inspections are undertaken for the private elementary and non-credit-granting secondary schools. We continue to support the recommendation for the Ministry to analyze these assessment results for all private schools.