

Canada and the Provinces' Duty to Fully Consider Children's Best Interests in all Matters, Including Education, Immigration and Separation from Parents:

The case of children received in Canada to train as Buddhist monks

A public submission to the Committee on the Rights of the Child on the occasion of the Periodic Review (Period 5-6) of Canada
under the Convention on the Rights of the Child

February 2020

Submitted by Deborah W. Parkes
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A PUBLIC SUBMISSION TO THE COMMITTEE ON THE RIGHTS OF THE CHILD ON THE OCCASION OF THE PERIODIC REVIEW (PERIOD 5-6) OF CANADA UNDER THE CONVENTION ON THE RIGHTS OF THE CHILD

Submitted by: Deborah W. Parkes
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February 29, 2020

Purpose:

The purpose of this submission is to:

- Draw the Committee's attention to a relatively new practice of sending children and youth to Canada to live in a monastery and train as Buddhist monks;
- Point out ways that these children can be vulnerable;
- Encourage the Committee to consider whether the State Party and the province of Prince Edward Island (PEI), in facilitating this practice, have adequately considered all potential direct and indirect impacts on children's rights and given priority to children's best interests;
- Encourage the Committee to raise this situation with the State Party.

About the author: Deborah W. Parkes is a certified counsellor, registered social worker and PhD student in the University of Ottawa's School of International Development. Her research focus is on the lives of child Buddhist monks.

Information sources:

This submission is based on my best understanding. Information sources include media reports, information obtained through access-to-information legislation, and communications with various government representatives, including from PEI's Department of Education and Lifelong Learning, among others.

Background:

The situation involves a religious organization, Great Enlightenment Buddhist Institute Society (GEBIS), with roots in Taiwan that established itself in PEI in 2008. It now has two monastery campuses for monks on the Island. It is also associated with a nunnery on the Island, or "monastery for nuns,"¹ which, though registered separately, is part of the same broader organization.² Since at least 2014, GEBIS has been receiving children from Taiwan, China, and a few other countries "who intend to pursue a monastic path"³ to live at its monastery (or

¹ Great Wisdom Buddhist Institute (GWBI).

² Bliss and Wisdom

³ In its application to have its school for these children licensed as a private school, the school listed as its target clientele: "International students or local residents who intend to pursue a monastic path."

monasteries) and study at the monastery school.⁴ Though many of the students first arrived as teens, a number first arrived when they were 12 or under. As the concerns of this paper relate primarily, though not only, to younger children, I wish to emphasize the bringing in of younger children. From records I obtained, it appears children have come in as young as 7. A *Maclean's* article indicates that children have come from as early as kindergarten.⁵

When GEBIS was presenting its school to journalists in December 2019, it said that there were about 183 students, and though most were teens, an unspecified number were as young as 11.⁶ However, documents obtained through access-to-information indicate that, though the youngest child in December 2019 may have been 11, the school has taken in children as young as 7: Of about 167 students registered at the monastery's school in September 2018, about 45 had first arrived when they were 12 or younger, according to the information provided. Of those, about half had started between the ages of 7 and 10.

Though a December 2019 news reports said that students were in Grades 7 to 12, in previous years there were lower grade levels.⁷ I have no information that the school is no longer planning to take in children in lower grades.

Areas of concern:

I wish to be clear that I have no information suggesting that the children at the monastery are being mistreated. Nonetheless, it is troubling that in an age when the Convention on the Rights of the Child (CRC) and child-rights bodies are emphasizing the importance of the family environment as "the natural environment for the growth and well-being of all its members and particularly children" (CRC preamble), the State Party has adopted policies (or failed to adopt policies) that have enabled a practice that in effect separates children from their parents.

There are other aspects to consider. Some people ask what the difference is between sending children to the monastery school and sending children to a regular boarding school. First, I would note that child-rights advocates have raised concerns over sending young children to boarding schools. However, in this particular situation, not only are the children living away from their parents;⁸ the religious context means that they are living in a relatively "closed" environment being prepared for a vocation that many would argue young children do not have sufficient life

⁴ Moonlight International Academy

⁵ Campbell, M. (2017, July 18). The little monks of Little Sands: Eager for immigration, P.E.I. changed its education laws allowing children to train as Buddhist monks. *Maclean's*. Retrieved from <http://www.macleans.ca/news/canada/the-little-monks-of-little-sands/>

⁶ Ross, S. (2019, Dec. 16). *Inside the life of P.E.I.'s young Buddhist monks in the making*. Retrieved from <https://www.cbc.ca/news/canada/prince-edward-island/pei-buddhist-moonlight-academy-1.5396096>

⁷ Documents for January 2018 (2017-2018 academic year) show that there was a Grade 5. I do not have documents for prior to that. The *Maclean's* article cited above indicates there were children in Kindergarten and Grade 1.

⁸ Parents do visit, though to what extent all children receive visits is not clear. Though some parents apparently have property in PEI and spend part of the year on the Island, most, from my understanding, do not. Children are apparently regularly in contact with parents by Skype and phone.

experience and an adequate understanding to be able to meaningfully consent to being directed toward. Consider, for example, that in this tradition, monastic life requires a commitment to celibacy. Monastic life also involves other restrictions.

GEBIS has assured the public that children were there of their own volition.⁹ It said that some students do decide that monastic life is not for them, that some do withdraw, and that these decisions are respected. As reassuring as this is, the reality is that group environments can bring pressure to conform. Religious contexts where hierarchy is strong and where leaders are treated with reverence can make it difficult for adults, let alone children, to communicate their wishes. Beliefs and social norms can add other pressures—for example, the belief that living as a monk can bring good *karma* not just to oneself but also to one's parents, or the value that one should put one's parents wishes before one's own.

The fact that many of these children's parents live far away is also significant. Documents indicate that with a few exceptions, nearly all the children were under the responsibility of a "custodian" as opposed to their parents,¹⁰ suggesting that parents in these cases are not living in Canada, at least not for the full academic year. If parents were living nearby and children wanted to go home, even to be with their family for a weekend, it would presumably be easier for them to do so.

Other concerns relate to the fact that the province granted the school a license despite the fact that the curriculum does not meet what PEI requires of its public schools.^{11 12} (See textbox below). The school is not required to teach the students English, and as far as I know, English is still not part of the curriculum. Also, to the best of my knowledge, though some students understand and speak English well, most do not. These language limitations contribute to children's vulnerability: Not only are they in a relatively closed environment, but the lack of English limits their ability to communicate with the broader PEI community and for the broader community to communicate with them.

That PEI licensed the school is significant, not merely from an educational standpoint but also from an immigration standpoint: For parents to be able to apply to the immigration department for an education permit allowing their children to be in Canada as students, they must provide evidence that the children will be attending a recognized school. In other words, the fact the

⁹ <https://www.cbc.ca/news/canada/prince-edward-island/pei-monks-open-house-gebis-1.5398227>

¹⁰ Under Immigration and Citizenship Canada rules, minor children studying in Canada who are not in the care of parents also present in Canada must have a custodian, i.e., someone who will "care and support" the student "in place of the parents as appropriate". (<https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/study-permit/prepare/minor-children.html#toc2>)

¹¹ PEI is not alone among Canadian provinces that do not require private schools to follow the provincial curriculum. See: Van Pelt, D., Hasan, S., & Allison, D. J. (2017). *The funding and regulation of independent schools in Canada*. Retrieved from

<https://www.fraserinstitute.org/studies/funding-and-regulation-of-independent-schools-in-canada>

¹² PEI's Private Schools Act and Private Schools Act Regulations are attached as Annexes A and B.

province licensed the school makes it possible for parents to apply for a visa to send their children to Canada to live at the monastery.¹³ Please note, also, that though the school does not charge tuition, it is common in Buddhist cultures for people to give donations, and in many cases quite substantial ones. GEBIS has acknowledged that parents "often make donations".¹⁴

Information from documents that GEBIS submitted in 2016 as part of its application for a license for Moonlight International Academy under the province's Private Schools Act.

Description of the private school's goals:

1. To prepare people for leadership in various Buddhist monasteries locally and globally;
2. To prepare for ministry with a solid academic understanding of the Buddhist faith and practical skills;
3. To provide an integration of academic, practical, and spiritual aspects of the Buddhist education.

Subjects:*

- Mandarin Chinese/Classic Literature
- Tibetan
- Scriptures by Heart
- Writing
- Dialectics
- Buddhist Philosophy
- Stories of Karma and Effect/Merits of the Three Jewels
- Social Service Training
- Art of Writing
- Music Instrument Practice
- Industrial Arts

*See Appendix D for the complete "Curriculum Outline and Description"

¹³ See Appendix C for copy of 2015 internal Immigration and Citizenship Canada email correspondence expressing concern about the school's curriculum, which reads in part: "We've flagged issues with curriculum to OMC [Operational Management and Coordination Branch] as we too had issues with the lack of consistency with the PEI Education Act, that the curriculum does not meet the Provincial standard for High School diplomas and that the curriculum did not include English, Math and had a "Labour" component." It was not long after this that the province adopted its Private Schools Act and accompanying regulations, legislation that does not require private schools to teach children one of Canada's official languages or, it appears, any other particular subject.

¹⁴ <https://www.cbc.ca/news/canada/prince-edward-island/pei-buddhist-moonlight-academy-1.5396096>

Finally, in considering the situation this submission brings forward, I urge the Committee to draw on the United Nations Guidelines for the Alternative Care of Children, including the desirability in principle of children remaining in the care of their parents (para. 3), and para. 20: "The provision of alternative care should never be undertaken with a prime purpose of furthering the political, religious or economic goals of the providers."¹⁵

Conclusion:

It is hoped that the Committee will raise concerns highlighted in this submission with the State Party, including:

- Whether children, and especially younger children, can meaningfully consent to being sent abroad to live separate from their parents in a relatively closed institutional environment;
- Whether children, and especially younger children, can meaningfully consent to being directed toward a religious vocation that many would argue young children cannot meaningfully consent to;
- Whether, in adopting its Private Schools Act, which, among others, does not require that schools teach children at least one of Canada's official languages, or, it appears, any other particular subject, PEI adequately fulfilled its duty to assess all potential direct and indirect impacts on children's rights and to give priority to the best interests of children;
- Whether, before granting GEBIS a license to operate its school, PEI adequately fulfilled its duty to assess all potential direct and indirect impacts on children's rights and to give priority to the best interests of children;
- Whether in approving immigration visa requests for children to study at the school, the State Party has fulfilled its duty to assess all potential direct and indirect impacts on children's rights and to give priority to the best interests of children.

¹⁵ Para. 31 of the Guidelines encourages "Competent authorities and others concerned . . . to make use of the present Guidelines, as applicable, at boarding schools, hospitals, centres for children with mental and physical disabilities or other special needs, camps, the workplace and other places which may be responsible for the care of children."

Appendix A

PEI's Private Schools Act



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PRIVATE SCHOOLS ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to June 28, 2019. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

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PRIVATE SCHOOLS ACT

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PRIVATE SCHOOLS ACT

CHAPTER P-20.01

1. Definitions

In this Act,

- (a) “**Administrator**” means the Administrator of Private Schools appointed under section 2;
- (b) “**instructor**” means any person who teaches or instructs in a private school;
- (c) “**Minister**” means the Minister of Education and Lifelong Learning;
- (d) “**person of compulsory school age**” means a person from six to 16 years of age, and includes a person who will reach the age of six on or before December 31 of the school year;
- (e) “**private school**” means a private school or place in which instruction in an elementary or secondary education program is offered or provided to persons of compulsory school age, but does not include
 - (i) a school operated by an education authority under the *Education Act*,
 - (ii) an early learning and child care centre that is authorized under an Act to operate in the province, or
 - (iii) other places specified in the regulations;
- (f) “**school year**” means a school year as defined in the *Education Act* R.S.P.E.I. 1988, Cap. E-.02;
- (g) “**student**” means a person enrolled in an elementary or secondary education program offered or provided by a private school. *2016,c.21,s.1; 2019,c.1,s.3.*

2. Administrator of Private Schools

There shall be appointed pursuant to the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8, an Administrator of Private Schools who, subject to the direction of the Minister, is responsible for the administration of this Act. *2016,c.21,s.2.*

3. Prohibition

No person shall operate a private school unless that private school is registered under this Act. *2016,c.21,s.3.*

4. Application

- (1) A person may apply to the Administrator, in the form required by the Administrator, to register a private school.

Requirements for registration

- (2) The application for registration referred to in subsection (1) shall be accompanied by the information and documents, and the fee, specified in the regulations.

Registration

- (3) The Administrator may register a private school if the Administrator is satisfied that
- (a) the applicant has submitted the application required under subsection (1) and the information, documents and fee required under subsection (2); and
 - (b) the applicant and the premises of the private school meet the requirements specified in the regulations.

Terms and conditions

- (4) The Administrator may, in the Administrator's discretion, impose terms and conditions on the registration of a private school in accordance with the regulations.

Refusal

- (5) The Administrator may refuse to register a private school if
- (a) the Administrator is not satisfied that the applicant has met the requirements of subsection (3);
 - (b) the Administrator has reasonable grounds to believe that the applicant knowingly made a false statement in the application or the information or documents provided pursuant to subsection (2); or
 - (c) the Administrator has reasonable grounds to believe that the applicant or a person associated with the applicant is not suitable to have contact with students.

Person associated

- (6) For the purposes of clause (5)(c), an individual is deemed to be associated with an applicant if the individual
- (a) resides in premises in which the proposed private school will be operated;
 - (b) is a partner of the applicant, if the applicant is applying to register the private school on behalf of the partnership; or
 - (c) is a shareholder or director of the corporation, if the applicant is the corporation or a partnership that includes the corporation.

Notice of refusal

- (7) The Administrator shall notify an applicant whose application is refused under subsection (5) immediately, and shall provide the reasons for the refusal and information respecting the applicant's right under section 12 to appeal the decision of the Administrator. *2016,c.21,s.4.*

5. Requirements, instructors

- (1) The operator of a private school shall ensure that each instructor at the private school
- (a) is at least 18 years of age;
 - (b) holds the academic qualifications required by the regulations; and
 - (c) provides to the operator a criminal record check and vulnerable sector search dated not earlier than six months prior to the date it is provided
 - (i) within eight weeks of commencing employment at the private school, and
 - (ii) at least every three years during the instructor's employment at the private school.



Idem

- (2) The operator of a private school shall ensure that no instructor is permitted unsupervised access to students unless
- (a) the instructor has complied with clause (1)(c); and
 - (b) based on the results of the criminal record check and the vulnerable sector search, the operator concludes that there are no reasonable grounds to believe that the instructor may endanger the health, safety or well-being of the students. *2016,c.21,s.5.*

6. Annual report

- (1) The operator of a private school shall provide to the Minister an annual report on student enrolment at the private school on or before September 30 of each year.

Monthly report

- (2) The operator of a private school shall provide to the Minister a monthly report on student attendance, on or before the 15th day of the following month, for every month of the school year.

Required content

- (3) The reports required under subsections (1) and (2) shall contain the information specified in the regulations. *2016,c.21,s.6.*

7. Placement of students

The operator of a private school shall ensure that, when a child is enrolled in the private school,

- (a) a child who is five years of age or will attain the age of five on or before December 31 of the school year is enrolled in a kindergarten program; and
- (b) a child who is six years of age or will attain the age of six on or before December 31 of the school year is
 - (i) enrolled in grade one, if the child has completed a kindergarten program, or
 - (ii) enrolled in a kindergarten program, if the child has not completed a kindergarten program. *2016,c.21,s.7.*

8. Inspector

- (1) The Administrator, or any person authorized by the Administrator, may inspect any private school at any reasonable time during its hours of operation
- (a) to observe the operation of the private school;
 - (b) to inspect records and other documents relating to student enrolment;
 - (c) to inspect records and other documents relating to employment of instructors; and
 - (d) to ensure compliance with this Act and the regulations.

Co-operation with inspector

- (2) Where an inspection is carried out pursuant to subsection (1), the operator of the private school and every officer, instructor and other employee of the private school shall provide the person conducting the inspection with such information and documentation as that person may require. *2016,c.21,s.8.*

9. Authority of Administrator

- (1) Where the Administrator is satisfied that an operator of a private school, or any instructor or other employee of a private school, registered under this Act has failed to comply with this Act or the regulations, the Administrator may, subject to subsections (2) and (3),
- (a) suspend the registration of the private school; or
 - (b) cancel the registration of the private school.

Order

- (2) Where the Administrator has grounds under subsection (1) to suspend or cancel the registration of a private school,
- (a) the Administrator may order the operator of the private school to comply with the Act and regulations within 30 days of the date of the order; and
 - (b) where the operator of the private school has not complied with the Administrator's order under this subsection within 30 days, the Administrator may suspend or cancel the registration of the private school.

Immediate suspension or cancellation

- (3) The Administrator may order immediate suspension or cancellation of the registration of a private school if the operator has failed to comply with provisions of this Act or the regulations relating to
- (a) health and safety standards required to be maintained under the regulations; or
 - (b) the health, safety or well-being of students.

Notice

- (4) The Administrator shall notify the operator of a private school whose registration is suspended or cancelled under this section immediately, and shall provide the reasons for the suspension or cancellation and information respecting the operator's right under section 12 to appeal the decision of the Administrator.

Idem

- (5) Where the Administrator makes an order under this section, the Administrator shall
- (a) post the order in a place that is prominent and clearly visible on the premises of the private school; and
 - (b) send a copy of the order by ordinary mail, by facsimile or by electronic means to the parent or guardian of each student who is enrolled at the private school.

Notice by other means

- (6) Where it is not practicable to send a copy of the order to each parent or guardian under clause (5)(b), the Administrator may provide notice of the order by any means of communication that the Administrator considers will make it known to the majority of the parents or guardians. *2016,c.21,s.9.*

10. Offence

- (1) A person who operates a private school in contravention of section 3 is guilty of an offence and is liable on summary conviction to a fine of not less than \$500.



Continuing offence

- (2) A person who commits or continues an offence referred to under subsection (1) on more than one day may be convicted of a separate offence for each day or part of a day on which the offence is committed or continued.

Officers, directors, etc.

- (3) Where a corporation commits an offence under section 3, any officer, director or agent of the corporation who directed, authorized, assented to or acquiesced in the commission of the offence is a party to and guilty of the offence and is liable on conviction to the penalty provided for the offence, whether or not the corporation has been prosecuted for or convicted of the offence. *2016,c.21,s.10.*

11. Limitation on action

No operator of a private school shall institute any action or other proceedings in any court in the province on any contract respecting the business carried on by the operator at the private school unless that private school is registered under this Act. *2016,c.21,s.11.*

12. Appeal

- (1) Where the Administrator refuses to register a private school or suspends or cancels the registration of a private school, the applicant or operator of the private school, as the case may be, may appeal the decision to an Appeal Board established in accordance with the regulations.

Notice of appeal

- (2) A notice of appeal, in the form approved by the Minister, shall be filed with the chairperson of the Appeal Board within 21 days of receipt of notice of refusal to register or notice of suspension or cancellation of registration.

Hearing

- (3) The Appeal Board shall hear an appeal within 30 days after notice of appeal is received by the chairperson of the Appeal Board.

Powers of Appeal Board

- (4) After hearing an appeal pursuant to this section, the Appeal Board may confirm, vary or set aside the decision of the Administrator.

Decision final

- (5) A decision of the Appeal Board pursuant to this section is final. *2016,c.21,s.12.*

13. Inspection

- (1) In accordance with the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.1, a public health official may
- (a) on the request of the Administrator, inspect a private school in respect of which an application for registration has been made; and
 - (b) periodically, inspect a private school,
- with respect to matters relating to public health, including public health hazards, sanitation, potable water and food handling.

Report

- (2) Where a public health official conducts an inspection pursuant to subsection (1), the public health official shall, on completion of the inspection,
- (a) prepare a report detailing the inspection; and
 - (b) provide a copy of the report to the operator of the private school and to the Administrator. *2016,c.21,s.13.*

14. Provision of textbooks

The Minister may provide authorized textbooks to the operator of a private school for the use of students, and may require payment, in respect of each book or set or class of books, of

- (a) a refundable deposit in an amount determined by the Minister; or
- (b) a prescribed fee. *2016,c.21,s.14.*

15. Diplomas, etc.

- (1) The Minister may grant diplomas or provincial certificates to students of a private school in accordance with the regulations.

Repeal

- (2) This section is repealed on June 30, 2020. *2016,c.21,s.15.*

16. Limitation of action

No action or proceeding for damages or any other loss may be brought against the Minister, the Administrator or a person authorized by the Administrator under section 8 for any act done in good faith in the performance or intended performance of a duty or the exercise or intended exercise of a power under this Act, or for any neglect or default in the performance or exercise in good faith of that duty or power. *2016,c.21,s.16.*

17. Regulations

- (1) The Lieutenant Governor in Council may make regulations
- (a) prescribing requirements with respect to the establishment and operation of a private school, including requirements with respect to
 - (i) administrative procedures and processes, including record keeping and confidentiality of information,
 - (ii) insurance requirements,
 - (iii) requirements respecting the premises of a private school,
 - (iv) health, fire and safety requirements, including emergency and evacuation procedures, and
 - (v) the required academic qualifications of instructors;
 - (b) prescribing terms and conditions that may be imposed, and the circumstances in which they may be imposed, by the Administrator on the registration of a private school under subsection 4(4);
 - (c) respecting the content of reports to be provided by an operator of a private school under section 6;
 - (d) prescribing the information, documents and fees that shall accompany any application made under this Act or the regulations;



- (e) setting out circumstances that constitute reasonable grounds to believe that a person is not suitable to have contact with students receiving instruction at a private school;
- (f) respecting the composition, functions and procedures of the Appeal Board;
- (g) respecting the fee payable by the operator of a private school for authorized textbooks provided by the Minister under section 14;
- (h) respecting the granting of diplomas or provincial certificates by the Minister to students of a private school; and
- (i) generally for the better administration of this Act.

Repeal

- (2) Clause (1)(h) is repealed on June 30, 2020. *2016,c.21,s.17.*

18. License deemed registration

Any private school licensed under the *School Act* R.S.P.E.I. 1988, Cap. S-2.1, on the date this Act comes into force shall be deemed to be registered under this Act, subject to any conditions or restrictions imposed on the license. *2016,c.21,s.18.*

19. Application continues

On the coming into force of this Act, an application by a person under section 133 of the *School Act* for a license to operate a private school that was commenced prior to and not concluded on the coming into force of this Act is continued as an application for registration of the private school under this Act. *2016,c.21,s.19.*

Appendix B

PEI's Private Schools Act Regulations



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PRIVATE SCHOOLS ACT REGULATIONS

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to August 20, 2016. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
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PRIVATE SCHOOLS ACT
Chapter P-20.01
REGULATIONS

Pursuant to section 17 of the *Private Schools Act* R.S.P.E.I. 1988, Cap. P-20.01, Council made the following regulations:

1. Definition

In these regulations, “**Act**” means the *Private Schools Act* R.S.P.E.I. 1988, Cap. P-20.01. (EC538/16)

2. Private school

For the purposes of subclause 1(e)(iii) of the Act, “private school” does not include a place in which instruction in an elementary or secondary education program is offered or provided to a person

- (a) for the purpose of tutoring, if the person is enrolled in
 - (i) a school operated by an education authority under the *Education Act* R.S.P.E.I. 1988, Cap. E-02,
 - (ii) a private school registered under the Act, or
 - (iii) a home education program under the *Education Act*; or
- (b) as part of a home education program in accordance with the *Education Act*. (EC538/16)

3. Application for registration

(1) For the purposes of section 4 of the Act, an applicant shall provide the following information and documents with an application for registration of a private school:

- (a) the plan for the operation of the private school, including:
 - (i) an outline of the private school’s goals,
 - (ii) the program of study,
 - (iii) a course outline by grade level,
 - (iv) plans for staffing the private school;
- (b) a description of the qualifications of all instructors to be employed by the applicant in the private school;
- (c) a copy of each certificate, permit or report issued by the appropriate provincial authority respecting the compliance of the proposed private school with the



- applicable Acts, regulations and standards with respect to fire prevention, health and safety established by the province;
- (d) where the operator is a corporation,
 - (i) a statement of the corporate status of the applicant, and
 - (ii) a copy of the letters patent or articles of incorporation of the corporation;
 - (e) where the operator is a partnership, evidence that the partnership is registered under the *Partnership Act* R.S.P.E.I. 1988, Cap. P-1;
 - (f) a copy of the liability insurance certificate for the private school;
 - (g) a criminal record check and vulnerable sector search respecting the applicant and persons deemed to be associated with the applicant under subsection 4(6) of the Act, dated not earlier than six months prior to the date of the application.

Fee

- (2) An applicant shall submit a registration fee of \$200 with the application for registration referred to in subsection (1). (*EC538/16*)

4. Not suitable to have contact with students

For the purpose of clause 4(5)(c) of the Act, the following circumstances constitute reasonable grounds for the Administrator to believe that an applicant is not suitable to have contact with students as the operator of a private school:

- (a) a court has made a finding that a child is in need of protection under the *Child Protection Act* R.S.P.E.I. 1988, Cap. C-5.1, based in whole or in part on conduct of the applicant or a person associated with the applicant in relation to the child and, in the opinion of the Administrator, the operation of a private school by the applicant would endanger the health, safety or well-being of students;
- (b) the applicant or a person associated with the applicant has been found guilty of an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) for conduct of such a nature that, in the opinion of the Administrator, the operation of a private school by the applicant would endanger the health, safety or well-being of students. (*EC538/16*)

5. General standards to be maintained by operator

An operator of a private school shall ensure that:

- (a) the private school is operated in compliance with the Act and these regulations;
- (b) the applicant has liability insurance for the private school of at least \$2,000,000;
- (c) the private school is operated in compliance with any applicable municipal zoning bylaws;
- (d) where the operator is a corporation,
 - (i) the corporation is in good standing under the *Canada Business Corporations Act* (Canada), R.S.C. 1985, c. C-44, the *Companies Act* R.S.P.E.I. 1988, Cap. C-14, or the *Extra-Provincial Corporations Registration Act* R.S.P.E.I. 1988, Cap. E-14, as the case may be, under which it was incorporated or registered, and
 - (ii) the letters patent or articles of incorporation of the corporation permit the corporation to carry on the business of operating a private school;
- (e) where the operator is a partnership, the partnership is registered under the *Partnership Act*. (*EC538/16*)



6. Notice to Director

- (1) The operator of a private school shall notify the Administrator immediately on receipt of
 - (a) a direction by the Fire Marshal or an inspector under the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11, or the regulations made pursuant to it, respecting the private school; or
 - (b) a direction made by a public health official or an order made by the Chief Public Health Officer under the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.1, or the regulations made pursuant to it, respecting the private school.

Notice to Director of Child Protection

- (2) The operator of a private school who has reasonable and probable cause to believe that a student has been deserted, abandoned or abused shall immediately report the matter or cause it to be reported to the Director of Child Protection in accordance with the *Child Protection Act*. (EC538/16)

7. Protection from hazards

- (1) The operator of a private school shall take all reasonable steps to protect students attending the private school from hazards, including
 - (a) ensuring hazardous items are inaccessible to students, except as part of supervised instruction;
 - (b) storing poisonous substances in a locked enclosure;
 - (c) ensuring that any outdoor activity space on the private school premises is safe for use by students;
 - (d) ensuring playground equipment is in a good state of repair;
 - (e) ensuring that there are no public health hazards or hazards related to sanitation, potable water or food handling on the premises of the private school;
 - (f) ensuring there are no fire hazards on the premises of the private school; and
 - (g) ensuring that emergency and evacuation procedures are developed, implemented and maintained for the private school, and communicating those procedures to students and staff.

Idem

- (2) The operator of a private school shall take all reasonable steps to ensure a safe learning environment for the students attending the private school. (EC538/16)

8. Qualifications for instructors

For the purposes of clause 5(1)(b) of the Act, each instructor at the private school shall have successfully completed

- (a) a post-secondary program in education; or
- (b) a post-secondary program related to the subject matter included in the curriculum of the private school. (EC538/16)

9. Student enrolment and attendance information

- (1) For the purposes of subsection 6(1) of the Act, the operator of a private school shall provide the following information in the annual report on student enrolment at the private school:
 - (a) the name, date of birth and grade level of each student;

- (b) the name, address and phone number for the parent or guardian of each student;
- (c) the date of enrolment of each student;
- (d) the type of education program in which each student was enrolled prior to enrolment in the private school;
- (e) if known to the operator, the provincial student identification number of each student who was previously enrolled in a school operated by an education authority under the *Education Act*;
- (f) where a student has discontinued enrolment in the private school,
 - (i) the name, date of birth and date of exit of the student, and
 - (ii) if known to the operator, the education program in which the student has enrolled subsequent to discontinuing enrolment in the private school.

Idem, monthly report

- (2) For the purposes of subsection 6(2) of the Act, the operator of a private school shall provide the following information in the monthly report on student attendance at the private school:
 - (a) the name, date of birth and grade level of each student;
 - (b) the number of instructional days in the month that each student attended and was absent from the private school. (*EC538/16*)

10. Appeal Board

- (1) The Minister shall appoint an Appeal Board for the purposes of section 12 of the Act composed of three persons, one of whom, who shall serve as chairperson, is a member of the Law Society of Prince Edward Island.

Term

- (2) The term of office of a member of the Appeal Board is three years and the member may be reappointed.

Remuneration, etc.

- (3) Members of the Appeal Board shall receive the remuneration, and are entitled to be reimbursed for the expenses, determined by the Minister. (*EC538/16*)

11. Information required

- (1) An operator of a private school or an applicant who files a notice of appeal shall in addition provide
 - (a) a brief summary of the operator's or applicant's reasons for appealing the decision of the Administrator; and
 - (b) any written copy of the decision of the Administrator and the reasons for it that the operator or applicant has received.

Idem

- (2) On receiving a notice of appeal, the chairperson of the Appeal Board shall notify the Administrator, who, on being notified, shall provide to the chairperson a written copy of the decision that is being appealed, the reasons for the decision and any related documents.

Fee for appeal

- (3) The fee for an appeal of a decision of the Administrator is \$200, payable when the notice of appeal is filed with the chairperson of the Appeal Board. (*EC538/16*)



12. Assistance

The Appeal Board may retain any legal or other assistance that it considers necessary for the purpose of reviewing a decision of the Administrator. (EC538/16)

13. Powers of Appeal Board

The Appeal Board has the power

- (a) to hear and determine the appeal of the Administrator's decision;
- (b) to administer oaths and affirmations; and
- (c) to summon and enforce the attendance of witnesses and to compel them to give oral or written evidence and to produce documents. (EC538/16)

14. Determination of procedure

- (1) Except where otherwise provided in these regulations, the Appeal Board may determine its own procedure respecting the hearing.

Opportunity to be heard

- (2) The Appeal Board shall give the appellant the opportunity to be heard and to be represented by counsel.

Notice of hearing

- (3) The chairperson of the Appeal Board shall give notice to the appellant and the Administrator of the date, time and place of the hearing.

Quorum

- (4) The three members of the Appeal Board constitute a quorum.

Procedure

- (5) The decision of a majority of the members of the Appeal Board shall govern on questions of procedure, admissibility of evidence and other matters which arise during the hearing but, lacking a majority decision, the decision of the chairperson shall govern. (EC538/16)

15. Powers respecting suspension

- (1) Where the hearing is in respect of a suspension of the registration of a private school, the Appeal Board may

- (a) confirm the suspension of the registration;
- (b) reduce or increase the period of suspension of the registration; or
- (c) order the reinstatement of the registration.

Powers respecting cancellation

- (2) Where the hearing is in respect of the cancellation of the registration of a private school, the Appeal Board may

- (a) confirm the cancellation of the registration;
- (b) substitute a period of suspension of the registration for the cancellation; or
- (c) order the reinstatement of the registration.

Refusal to register private school

- (3) Where the hearing is in respect of a refusal by the Administrator to register a private school, the Appeal Board may
- (a) confirm the refusal to register the private school; or
 - (b) direct the Administrator to register the private school, with or without terms or conditions. *(EC538/16)*

16. Decision and reasons

The Appeal Board shall serve written notice of its decision in respect of an appeal and the reasons for the decision on the appellant and the Administrator. *(EC538/16)*



Appendix C

**Citizenship and Immigration Canada internal correspondence related to GEBIS
highlighting concerns regarding the school curriculum**

-HKONG -IM

From: HKONG -IM
Sent: September-21-15 8:39 AM
To: 'greg.binder@cic.gc.ca'
Cc: 'richelle.tatarin@cic.gc.ca'; Domries, Kent -HKONG -IM; -HKONG -IM;
Subject: FW: -HKONG -IM

Hi Greg;

passed me your email .

First, license is only valid to **December 2015**. Prior to the PEI election this May, the province extended their license to operate until the end of this year. Unless they have provided evidence of an extended license, they do not have authority to operate the primary/secondary school past December 2015. We have not been issuing student permit valid past this date as once the license is done they can no longer operate as a school.

The primary/secondary school do not need to be designated by the Province. We had consulted OMC on this [twice] and they confirmed that the provincial license was sufficient for the purposes of IRPA at the primary/secondary level.

We've flagged issues with curriculum to OMC as we too had issues with the lack of consistency with the PEI Education Act, that the curriculum does not meet the Provincial standard for High School diplomas and that the curriculum did not include English, Math and had a "Labour" component.

The children have ties to the organization which are their ties to Taiwan. There have been applications made for students from the PRC and Beijing has expressed issues as once the children leave the PRC schooling system, they cannot return to the school system which is a significant impact. For the non PRC students, they are able to return to their 'home' monasteries and continue their studies.

You may wish to raise what you are seeing for curriculum with OMC as well as the school intends to rapidly expand and grow. Vicky Hou [Vicky.hou@cic.gc.ca] was the point of contact on the issue. It's still not transparent to me what the long plan is for the Province but its fast coming to a head with the next expiry date of the license. told us that another religious group had relocated to the same part of the Island wanting to open their own denominational school that again does not meet the requirements of their Education Act.

Regards,

Consul
 Immigration Program Manager|Gestionnaire, Immigration
 @international.gc.ca
 Telephone: (852)2847-7493 | Téléphone
 Facsimile: (852)2847-7493 | Télécopieur
 Berkshire House
 8th Floor, Quarry Bay

Hong Kong, SAR
Consulate General of Canada | Consulat général du Canada
Government of Canada | Gouvernement du Canada

s.17
s.19(1)
s.20(1)



From: Binder.Greg [mailto:Greg.Binder@cic.gc.ca]
Sent: September-19-15 2:45 AM
To: -HKONG -IM
Cc: Tatarin.Richelle
Subject:

I hope things are going well. We have a question about the Great Enlightenment Buddhist Institute Society (GEBIS)

which is operated in conjunction with Prince Edward Island (PEI).

I have 14 applications for minors who are studying a secondary school program

Background: Student

- Applied for a study permit to Hong Kong
- Study permit application Refused
- Applied for a study permit to Hong Kong
- Entered Canada as a student
- Applied to extend stay in Canada as a secondary school student

Other Information:

The officer who refused the study permit in had issues with the curriculum of studies as well as the client's ties

The second officer was satisfied that the school was accredited until 31JUL2015 in PEI.

The school has a Designated Learning Institute number but that is for post secondary studies.

The client has supplied transcripts which show he is in Grade and took eight courses. The courses are

The students are asking for 2 year documents and it appears that they will not be taking any core subjects in order for them to Graduate from Secondary School in Canada. I have searched online for exemptions for their school and I cannot locate anything from PEI for this. The letter of acceptance in our application is similar to your application

Field of Study:

This is the link for compulsory courses to graduate in PEI.

<http://www.gov.pe.ca/eecd/index.php3?number=1025874&lang=E>

Would you be able to provide us with any information which is not on file for guidance?

Greg Binder
Strategic Analysis Officer | Analyste Stratégique
CPC - Vegreville | CTD - Vegreville
Citizenship and Immigration Canada | Citoyenneté et Immigration Canada
6212-55 Avenue Vegreville AB T9C-1W5 | 6212-55 Avenue Vegreville AB T9C-1W5
Office | Bureau CPC Vegreville
Greg.Binder@cic.gc.ca
Telephone | Téléphone 780-603-5521
Facsimile | Télécopieur 780-603-2693
Government of Canada | Gouvernement du Canada

Appendix D

Moonlight International Academy Curriculum Outline & Description

As submitted by GEBIS in its 2016 application for a license
under Prince Edward Island's Private Schools Act

**Moonlight International Academy
Curriculum Outline & Description**

I. Language Arts Education

Vision: To enable and encourage students to become reflective, articulate, literate individuals who use language successfully to for learning and communicating in personal and public contexts

No.	Subject	Objectives
1	Mandarin Chinese/ Classic Literature	The students will be expected to <ul style="list-style-type: none"> • Read extensively and experience a variety of literary genre and modes from different literary periods • Articulate their understanding of ways in which information texts are constructed for particular purposes • Articulate and analyze points of view about texts and text elements • Analyze the relationships among language, topic, purpose, context and audience • Respond critically to complex and sophisticated texts
2	Tibetan	
3	Scriptures by Heart	The students will be expected to <ul style="list-style-type: none"> • Increase the skills of reading, writing and comprehension of the texts • Develop memorization which can be retained throughout the life • Develop and enhance concentration • Build character through committing sages' classics into memory
4	Writing	The students will be expected to <ul style="list-style-type: none"> • Use writing to extend, explore and reflect on their experiences, the process and strategies they used, their achievements, and the basis for their feelings, values and attitudes • Make effective choices of languages and techniques to enhance the impact of writing and representing • Produce writing and other forms of representation by increasing complexity of thought, structure and conventions

II. Math / Science Education

Vision: To enable and encourage students to develop scientific literacy, which is a combination of the science-related attitudes, skills, and knowledge that students need to develop inquiry, problem-solving, and decision-making abilities, to become lifelong learners

No.	Subject	Objectives
1	Dialectics	<p>The students will be expected to</p> <ul style="list-style-type: none"> • Address the basic scientific fields of study – life, physical and space science • Engage in inquiry, problem solving, and decision-making situations, including predicting and formulating hypothesis, critical thinking and evaluating • Explore, reflect on and express their own ideas, learning, perceptions and feelings • Demonstrate understanding of facts and relationships presented through words, numbers, symbols, graphs and charts • Develop strong reasoning skills through unceasing questions • Conduct investigations into relationships and among observable variables • Resolve disagreement through rational discussion and the search for truth

III. Social Studies Education

Vision: To enable and encourage students to examine issues, respond critically and creatively, and make informed decisions as individuals of an increasingly interdependent world

No.	Subject	Objectives
1	Buddhist Philosophy	<p>The students will be expected to</p> <ul style="list-style-type: none"> • Construct a blend of personal, academic, pluralistic, and global perspectives • Analyze the origins, development and current condition in a local, national and global context • Analyze the factors that contribute to the perception of self and the development of a world view • Evaluate and propose possible solutions to issues resulting from interactions among individuals, groups and societies • Propose and evaluate strategies that will promote a preferred future
2	Stories of Karma and Effect / Merits of Three Jewels	<p>The students will be expected to</p> <ul style="list-style-type: none"> • Evaluate the causes and consequences of differing views and actions • Apply concepts associated with time, continuity and change • Identify and use primary and secondary sources to evaluate questions • Interpret and predict patterns of causality and change over time • Analyze and compare events of the past to the present in order to make informed, creative decisions about issues
3	Social Service Training	<p>The students will be expected to</p> <ul style="list-style-type: none"> • Evaluate complex issues by acquiring, organizing and analyzing geographic information • Evaluate issues concerning the diversity and the sustainability of Earth's ecosystems • Analyze the interactions within and between regions

IV. Arts Education

Vision: To enable and encourage students to engage in creative, responsive, and expressive processes of the arts throughout their lives

No.	Subject	Objectives
1	Art of Writing	The students will be expected to <ul style="list-style-type: none"> • Analyze and appreciate different forms of calligraphy, an exquisite ancient Chinese art • Interpret and express a variety of thoughts and feelings through writing • Cultivate concentration and develop efficiency in everything they do • Create and perform a wide range of styles and forms
2	Music Instrument Practice	The students will be expected to <ul style="list-style-type: none"> • Use the elements of music to express and communicate meaning • Interpret and represent a variety of thoughts and feelings • Create and perform a wide range of styles, forms and genres, alone and collectively • Analyze and evaluate the role of music, its influence in creating and reflecting the historical and present-day • Analyze and demonstrate an appreciation of music from a broad range of cultural and historical contexts
3	Industrial Arts	The students will be expected to <ul style="list-style-type: none"> • Demonstrate the skills and safety practices in handling tools, machines, materials and related processes • Understand and analyze the technological and industrial aspects of society • Analyze the elements of the production process and system • Design, implement and complete the industrial projects alone and collectively • Evaluate the work of self and others

Moonlight International Academy
Course Catalog

Subjects & Codes		Mandarin Chinese	Classic Chinese Literature	Tibetan	Scriptures by Heart	Lamrim	Guru's Teachings	Stories of Karma and Effect	Merits of Three Jewels
Grades	Sem.	Mandarin	CCL	TBT	SBH	LRM	GRT	SKE	MTJ
1	1	2/MDR101	2/CCL101	2/TBT101	SBH101	LRM101	GRT101	SKE101	MTJ101
	2	2/MDR102	2/CCL102	2/TBT102	SBH102	LRM102	GRT102	SKE102	MTJ102
2	1	2/MDR103	2/CCL103	2/TBT103	SBH103	LRM103	GRT103	SKE103	MTJ103
	2	2/MDR104	2/CCL104	2/TBT104	SBH104	LRM104	GRT104	SKE104	MTJ104
3	1	2/MDR105	2/CCL105	2/TBT105	SBH105	LRM105	GRT105	SKE105	MTJ105
	2	2/MDR106	2/CCL106	2/TBT106	SBH106	LRM106	GRT106	SKE106	MTJ106
4	1	2/MDR107	2/CCL107	2/TBT107	SBH107	LRM107	GRT107	SKE107	MTJ107
	2	2/MDR108	2/CCL108	2/TBT108	SBH108	LRM108	GRT108	SKE108	MTJ108
5	1	2/MDR109	2/CCL109	2/TBT109	SBH109	LRM109	GRT109	SKE109	MTJ109
	2	2/MDR110	2/CCL110	2/TBT110	SBH110	LRM110	GRT110	SKE110	MTJ110
6	1	2/MDR111	2/CCL111	2/TBT111	SBH111	LRM111	GRT111	SKE111	MTJ111
	2	2/MDR112	2/CCL112	2/TBT112	SBH112	LRM112	GRT112	SKE112	MTJ112
7	1		2/CCL113	2/TBT113	SBH113	LRM113	GRT113		
	2		2/CCL114	2/TBT114	SBH114	LRM114	GRT114		
8	1		2/CCL115	2/TBT115	SBH115	LRM115	GRT115		
	2		2/CCL116	2/TBT116	SBH116	LRM116	GRT116		
9	1		2/CCL117	2/TBT117	SBH117	LRM117	GRT117		
	2		2/CCL118	2/TBT118	SBH118	LRM118	GRT118		
10	1				SBH119	LRM119	GRT119		
	2				SBH120	LRM120	GRT120		
11	1				SBH121	LRM121	GRT121		
	2				SBH122	LRM122	GRT122		
12	1				SBH123	LRM123	GRT123		
	2				SBH124	LRM124	GRT124		

Subjects & Codes		Dialectics	Writing	Integrated curriculum	Preparation for Monastic Life	Ethical Disciplines	Class Meeting	Collected Topics	Health
Grades	Sem.	DLT	WRT	ITC	PRM	ETD	CLM	CLT	HEH
1	1		WRT101	8/ITC101	1/PRM101				1/HLH101
	2		WRT102	8/ITC102	1/PRM102				1/HLH102
2	1		WRT103	8/ITC103	1/PRM103				1/HLH103
	2		WRT104	8/ITC104	1/PRM104				1/HLH104
3	1		WRT105	8/ITC105	1/PRM105				1/HLH105
	2		WRT106	8/ITC106	1/PRM106				1/HLH106
4	1		WRT107	8/ITC107	1/PRM101				1/HLH107
	2		WRT108	8/ITC108	1/PRM102				1/HLH108
5	1		WRT109	8/ITC109	1/PRM103				1/HLH109
	2		WRT110	8/ITC110	1/PRM104				1/HLH110
6	1		WRT111	8/ITC111	1/PRM105				1/HLH111
	2		WRT112	8/ITC112	1/PRM106				1/HLH112
7	1			8/ITC113		1/ETD101	1/CLM101		
	2			8/ITC114		1/ETD102	1/CLM102		
8	1			8/ITC115		1/ETD103	1/CLM103		
	2			8/ITC116		1/ETD104	1/CLM104		
9	1			8/ITC117		1/ETD105	1/CLM105		
	2			8/ITC118		1/ETD106	1/CLM106		
10	1	3/DLT101		3/ITC119		1/ETD107		6/CLT101	
	2	3/DLT102		3/ITC120		1/ETD108		6/CLT102	
11	1	3/DLT103		3/ITC121		1/ETD109		6/CLT103	
	2	3/DLT104		3/ITC122		1/ETD110		6/CLT104	
12	1	3/DLT105		3/ITC123		1/ETD111		6/CLT105	
	2	3/DLT106		3/ITC124		1/ETD112		6/CLT106	