

Tab 2 ~

The BC School Act

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This Tab contains exact wording of many parts of the BC School Act.

These parts reflect the major rights and responsibilities of parents and students in BC's public education system. They are the most useful in helping parents understand their role as partners in their children's education.

Many other parts of the School Act also affect parents and students. The entire School Act can be found in the Ministry of Education's *Manual of School Law*, available on the web at



www.bced.gov.bc.ca/legislation/schoollaw/

For a summary of parents' and students' rights and responsibilities, see **Tab 1, Parent Involvement ~ Basic Principles**.

School Act

[RSBC 1996] CHAPTER 412

Part 1 — Interpretation

Definitions and interpretation

1 (1) In this Act:

"accountability contract" means an accountability contract prepared and submitted under section 79.2;

"board" means a board of school trustees constituted under this Act or a former Act;

"catchment area" means, in relation to a school, the geographical area established under section 75.1 as the catchment area for the school;

"certificate of qualification" means a certificate of qualification or a letter of permission issued under the *Teaching Profession Act*;

"college" means the College of Teachers continued under the *Teaching Profession Act*;

"day of instruction" means, in respect of any school, a school day in which students of the school are in attendance and under supervision for the purpose of receiving instruction in an educational program including work study and work experience programs, examinations or other learning activities provided by the board;

"distance education school" means a school or francophone school that offers instruction to its students solely through one or more of the following:

- (a) correspondence courses;
- (b) telecommunications mediums;
- (c) other electronic mediums of communication;

"district parents' advisory council" means, in relation to a school district, the district parents' advisory council established for that school district under section 8.4;

"educational program" means an organized set of learning activities that, in the opinion of

- (a) the board, in the case of learning activities provided by the board,
- (a.1) the francophone education authority, in the case of learning activities provided by the francophone education authority,
- (b) the minister, in the case of learning activities in a Provincial school, or
- (c) the parent, in the case of learning activities provided to a child registered under section 13,

is designed to enable learners to develop their individual potential and to acquire the knowledge, skills and attitudes needed to contribute to a healthy, democratic and pluralistic society and a prosperous and sustainable economy;

"eligible child" means a child who has an eligible parent;

"eligible parent" means an individual who, under section 23 of the *Canadian Charter of Rights and Freedoms*, has the right to have his or her children receive primary and secondary instruction in French in British Columbia;

"eligible person" means

- (a) an eligible parent, or

- (b) an adult individual who, under section 23 of the *Canadian Charter of Rights and Freedoms*, would, if that individual had children, have the right to have his or her children receive primary and secondary instruction in French in British Columbia;
- "guardian of the person"**, when used in reference to a student or child, means guardian of the person of the student or child within the meaning of the *Family Relations Act*;
- "immigrant"** means a person who
- (a) has been granted landing within the meaning of the *Immigration Act* (Canada),
 - (b) has not become a Canadian citizen, and
 - (c) has not, under the *Immigration Act* (Canada), ceased to be a permanent resident within the meaning of that Act;
- "immigrant child"** means a child who has an immigrant parent;
- "immigrant parent"** means an immigrant who, under section 23 of the *Canadian Charter of Rights and Freedoms*, would, if the person were a citizen of Canada, have the right to have his or her children receive primary and secondary instruction in French in British Columbia;
- "parent"** means, in respect of a student or of a child registered under section 13,
- (a) the guardian of the person of the student or child,
 - (b) the person legally entitled to custody of the student or child, or
 - (c) the person who usually has the care and control of the student or child;
- "parents' advisory council"** means, in relation to a school, the parents' advisory council established for that school under section 8;
- "Provincial funding"** means the amount of Provincial funding established for a fiscal year under section 106.2;
- "Provincial resource program"** means a program established by order of the minister and operated by a board or a francophone education authority;
- "Provincial school"** means
- (a) a body of students organized as a unit for educational purposes at an educational institution that is
 - (i) directly operated and maintained by the minister, and
 - (ii) under the supervision of a principal,
 - (b) the staff members associated with the unit, and
 - (c) the facilities associated with the unit;
- "rural school district"** means a school district no part of which is in a municipality;
- "school"** means
- (a) a body of students that is organized as a unit for educational purposes under the supervision of a principal, vice principal or director of instruction,
 - (b) the teachers and other staff members associated with the unit, and
 - (c) the facilities associated with the unit,
- and includes a Provincial resource program and a distance education school;
- "school age"** means the age between the date on which a person is permitted under section 3 (1) to enroll in an educational program provided by a board and the end of the school year in which the person reaches the age of 19 years;
- "school district"** means an area created or constituted as a school district by or under this Act or a former Act;

- "school planning council"** means, in relation to a school, the school planning council established for that school under section 8.1;
- "school year"** means the period beginning on July 1 and ending on the following June 30;
- "student"** means a person enrolled in an educational program provided by a board and, if a section or subsection refers to a Provincial school, includes a person enrolled in the Provincial school for the purposes of that section or subsection;
- "student record"** means a record of information in written or electronic form pertaining to
- (a) student or francophone student, or
 - (b) a child registered under section 13 with a school or francophone school, but does not include
 - (c) a record prepared by a person if that person is the only person with access to the record, or
 - (d) a record of a report under section 14 (1) or 16 (3) (b) of the *Child, Family and Community Service Act* or of information that forms the basis for a report under section 14 (1) of that Act;
- "teacher"** means a person holding a certificate of qualification who is employed by a board to provide an educational program to students in a school, but does not include a person appointed by a board as superintendent of schools, assistant superintendent of schools, principal, vice principal or director of instruction;
- "teachers' union"** means a teachers' union or the Provincial union as defined in the *Public Education Labour Relations Act*;
- "trustee"** means a member of a board

Part 2 — Students and Parents

Division 1 — Students

Access to educational program

- 2** (1) Subject to section 74.1, a person is entitled to enroll in an educational program provided by the board of a school district if the person
- (a) is of school age, and
 - (b) is resident in that school district.
- (2) Subject to section 74.1, a person may enroll in an educational program provided by a board of a school district and attend any school in British Columbia if
- (a) the person is of school age,
 - (b) the person is resident in British Columbia, and
 - (c) the board providing the educational program determines that space and facilities are available for the person at the school in which the educational program is made available.

Entry to educational program

- 3** (1) Subject to subsections (2) and (3), a person who is resident in British Columbia must
- (a) enroll in an educational program
 - (i) provided by a board,
 - (ii) in the case of an eligible child, provided by a board or a francophone education authority, and
 - (iii) in the case of an immigrant child, provided by a board or, if the child is permitted to enroll with a francophone education authority under section 166.24, provided by that francophone education authority,on the first school day of a school year if, on or before December 31 of that school year, the person will have reached the age of 5 years, and
 - (b) participate in an educational program provided by a board or, in the case of an eligible child or an immigrant child, by a board or a francophone education authority until he or she reaches the age of 16 years.
- (2) A parent of a child referred to in subsection (1) (a) may defer the enrollment of his or her child until the first school day of the next school year.
- (3) This section does not apply if the person
- (a) is attending an independent school, a Provincial school or an educational institution operated by the government of Canada or by a band as defined in the *Indian Act* (Canada), or
 - (b) is registered under section 13.

Consultation

- 4** A student is entitled to consult with a teacher, principal, vice principal or director of instruction with regard to that student's educational program.

Language of instruction

5 (1) Every student is entitled to receive an educational program that is provided in the English language.

(2) Students whose parents have the right under section 23 of the *Canadian Charter of Rights and Freedoms* to have their children receive instruction in a language other than English are entitled to receive that instruction.

(3) Subject to the approval of the minister, a board may permit an educational program to be provided in a language other than as provided under subsections (1) and (2).

(4) The Lieutenant Governor in Council may make regulations

- (a) respecting the provision of educational programs in languages other than English,
- (b) to give effect to section 23 of the *Canadian Charter of Rights and Freedoms*, and
- (c) determining the manner in which a power, duty or function of a board may be performed or exercised under this Act with respect to students referred to in subsection (2).

(5) For the purposes of subsection (4), the Lieutenant Governor in Council may make different regulations for different circumstances.

Duties of students

6 (1) A student must comply

- (a) with the school rules authorized by the principal of the school or Provincial school attended by the student, and
- (b) with the code of conduct and other rules and policies of the board or the Provincial school.

(2) A student attending a school or a Provincial school must participate in an educational program as directed by the board or by the principal of the Provincial school.

Division 2 — Parents**Parents' entitlements and responsibilities**

7 (1) A parent of a student of school age attending a school is entitled

- (a) to be informed, in accordance with the orders of the minister, of the student's attendance, behavior and progress in school,
- (b) on request, to the school plan for the school and the accountability contract for the school district, and
- (c) to belong to a parents' advisory council established under section 8.

(2) A parent of a student of school age attending a school may, and at the request of a teacher, principal, vice principal or director of instruction must, consult with the teacher, principal, vice principal or director of instruction with respect to the student's educational program.

Parent volunteers

7.1 Subject to this Act, the regulations and any rules of a board, a parent of a student may provide volunteer services at or for a school.

Parents' advisory council

8 (1) Parents of students of school age attending a school or a Provincial school may apply to the board or to the minister, as the case may be, to establish a parents' advisory council for that school.

(2) On receipt of an application under subsection (1), the board or minister must establish a parents' advisory council for the school or the Provincial school.

(3) There must be only one parents' advisory council for each school or Provincial school.

(4) A parents' advisory council, through its elected officers, may

- (a) advise the board and the principal and staff of the school or the Provincial school respecting any matter relating to the school or the Provincial school, other than matters assigned to the school planning council, and
- (b) at the request of the school planning council, assist the school planning council in carrying out its functions under this Act.

(5) A parents' advisory council, in consultation with the principal, must make bylaws governing its meetings and the business and conduct of its affairs, including bylaws governing

- (a) the dissolution of the parents' advisory council,
- (b) the election of members to represent the parents' advisory council on the school planning council, and
- (c) the election of a member to represent the parents' advisory council on the district parents' advisory council.

(6) Voting at an election referred to in subsection (5) (b) and (c) must be by secret ballot.

School planning council

8.1 (1) A board must establish a school planning council for each school, except a Provincial resource program, in its school district.

(2) At the request of 3 parents of students attending a Provincial resource program, a board may establish a school planning council for the Provincial resource program.

(3) A school planning council for a school consists of the following persons:

- (a) the principal of the school;
- (b) one of the teachers at the school, elected annually by secret ballot by the teachers who teach at the school;
- (c) 3 representatives of the parents' advisory council who are
 - (i) parents of students enrolled in the school, and
 - (ii) elected annually by the parents' advisory council;
- (d) if the school enrolls students in grade 10, 11 or 12, one student of school age enrolled in one of those grades at the school, appointed annually by the principal of the school after consulting with the students enrolled in those grades at the school.

(4) One of the representatives elected under subsection (3) (c) must be an elected officer of the parents' advisory council.

(5) A board may appoint a person to fill a vacancy on a school planning council if

- (a) there is no parents' advisory council for the school,
 - (b) the parents' advisory council for the school does not elect 3 representatives under subsection (3) (c),
 - (c) the teachers at the school do not elect a representative under subsection (3) (b), or
 - (d) the principal of the school does not appoint a student under subsection (3) (d).
- (6) The term of office of a person appointed or elected under this section to the school planning council must not be more than one year.
- (7) An employee of any board is not eligible for election under subsection (3) (c) or an appointment in the circumstances referred to in subsection (5) (a) or (b).

Role of a school planning council

8.2 A board must consult with a school planning council in respect of the following:

- (a) the allocation of staff and resources in the school;
- (b) matters contained in the board's accountability contract relating to the school;
- (c) educational services and educational programs in the school.

School plan

8.3 (1) In each school year, a board must approve a school plan for every school in the school district.

(2) By a date set by the board, a school planning council must prepare and submit to the board a school plan for the school in respect of improving student achievement and other matters contained in the board's accountability contract relating to that school.

(3) A school planning council must consult with the parents' advisory council during the preparation of the school plan.

(4) The board may approve, approve with modifications or reject a school plan submitted under subsection (2) or (6).

(5) Before approving a school plan, the board may

- (a) consult with the school planning council about modifications to the school plan, or
- (b) direct the school planning council to modify all or part of the school plan by a specified date.

(6) The board may direct the principal of a school to prepare and submit to the board a school plan for the school by a specified date if

- (a) the school planning council does not submit a school plan under subsection (2),
- (b) the school planning council does not comply with a direction of the board under subsection (5) (b), or
- (c) the board rejects the school plan submitted under subsection (2).

(7) A board must make a school plan approved under subsection (4) available to the parents of students attending that school.

District parents' advisory council

8.4 (1) A parents' advisory council, through its elected officers, may apply to the board for the establishment of a district parents' advisory council.

(2) On receipt of an application under subsection (1), the board must establish a district parents' advisory council for the school district consisting of representatives elected to the council under subsection (3).

(3) Each parents' advisory council in a school district may elect annually one of its members to be its representative on the district parents' advisory council for a term of not more than one year.

(4) There must be only one district parents' advisory council for each school district.

Purpose and operation of district parents' advisory council

8.5 (1) Subject to section 67 (5.1), the district parents' advisory council may advise the board on any matter relating to education in the school district.

(2) A district parents' advisory council must make bylaws governing its meetings and the business and conduct of its affairs, including bylaws governing the dissolution of the council.

(3) A superintendent of schools for the school district, a designate of the superintendent or a trustee of the school district may attend any meeting of the district parents' advisory council.

Division 3 — Joint Rights and Duties

Examination of student records

9 (1) A student and the parents of a student of school age are entitled,

- (a) on request and while accompanied by the principal or a person designated by the principal to interpret the records, to examine all student records kept by a board pertaining to that student, and
- (b) on request and on payment of the fee, if any, charged under subsection (2), to receive a copy of any student record that they are entitled to examine under paragraph (a).

(2) A board may, for any copies of student records provided under subsection (1) (b), charge a fee that does not exceed the cost to the board of providing the copies.

Liability for damage to property

10 If property of a board or a francophone education authority is destroyed, damaged, lost or converted by the intentional or negligent act of a student or a francophone student, that student and that student's parents are jointly and severally liable to the board or francophone education authority in respect of the act of that student.

Appeals

11 (1) In subsections (2) and (4), "decision" includes the failure of an employee to make a decision.

(2) If a decision of an employee of a board significantly affects the education, health or safety of a student, the parent of the student or the student may, within a reasonable time from the date that the parent or student was informed of the decision, appeal that decision to the board.

(3) For the purposes of hearing appeals under this section, a board must, by bylaw, establish an appeal procedure.

(4) A board may refuse to hear an appeal under this section unless the appellant discusses the decision under appeal with one or more persons as directed by the board.

(5) A board may establish one or more committees for the purpose of investigating appeals under this section.

(6) A board may make any decision that it considers appropriate in respect of the matter that is appealed to it under this section, and the decision of the board is final.

(7) A board must

(a) make a decision under this section as soon as practicable after receiving an appeal, and

(b) promptly report that decision to the person making the appeal.

Division 4 — Home Education

Home education

12 A parent of a child who is required to enroll in an educational program under section 3

(a) may educate the child at home or elsewhere in accordance with this Division, and

(b) must provide that child with an educational program.

Registration

13 (1) A parent of a child who is required under section 12 to provide the child with an educational program must register the child on or before September 30 in each year with

(a) a school of the parent's choice that is operating in the school district in which the parent resides,

(a.1) if the child is an eligible child, a school referred to in paragraph (a), (b) or (c), or a francophone school of the parent's choice that is operating in the francophone school district in which the parent resides,

(a.2) if the child is an immigrant child, a school referred to in paragraph (a), (b) or (c), or a francophone school of the parent's choice that is operating in the francophone school district in which the parent resides but only if the francophone education authority responsible for that school permits the parent to register that child,

(b) a distance education school providing services to the school district in which the parent resides or with the minister if no distance education school provides services to that district, or

(c) an independent school operating in British Columbia.

(2) If, in accordance with subsection (1), a parent is entitled to register his or her child with a school or, in the case of an eligible child or immigrant child, with a francophone school,

(a) the board that has jurisdiction over the school must ensure that the principal, vice principal or director of instruction responsible for that school registers the child, or

(b) the francophone education authority that has jurisdiction over the francophone school must ensure that the francophone principal, francophone vice principal or francophone director of instruction of that francophone school registers the child.

(3) A school or francophone school that registers a child under this section must provide the child with access to educational services in accordance with the regulations.

(4) A person who contravenes subsection (1) commits an offence.

Part 6 — School Boards

Division 2 — Powers and Duties

Accountability contracts

79.2 (1) A board must prepare an accountability contract with respect to improving student achievement in the school district and any other matters ordered by the minister.

(2) On or before October 31 of each year, a board must submit its accountability contract for the school year to the minister and must make its accountability contract available to residents of the school district and to parents of students attending schools in the district.

Part 9 — General

Division 2.1 — Special Advisor

Appointment of special advisor

171.1 (1) The minister, by order, may appoint a special advisor to a school district, for a term determined by the minister,

- (a) to review the progress of the board in respect of its accountability contract or to inspect and evaluate any other matters as directed by the minister, or
- (b) to assist the board in the conduct of the affairs of the school district in respect of any educational, financial or community matters.

(2) The special advisor must submit a report to the minister in respect of anything resulting from carrying out his or her duties under subsection (1).

(3) With the approval of the minister, the special advisor appointed under subsection (1) may

- (a) appoint a deputy special advisor and other employees necessary for performing the duties of the special advisor,
- (b) engage and retain specialists and consultants to carry out the duties of the special advisor, as required, and
- (c) determine the remuneration of persons appointed or retained under paragraphs (a) and (b).

(4) The minister, by order, may require the board to pay

- (a) the remuneration of the special advisor appointed under subsection (1) to the school district and any person appointed or retained under subsection (3) (a) and (b), at the rate determined by the minister, and
- (b) the expenses of the special advisor.

(5) The minister may provide a direction to the special advisor or to the board respecting the duties of the special advisor.

Powers of special advisor

- 171.2** A special advisor appointed under section 171.1 may
- (a) attend any meeting of the board,
 - (b) enter a school building or any other building used in conjunction with the school or offices of the board, or any part of them, for the purposes of performing his or her duties, and
 - (c) inspect any record of the board.

Responsibilities of the board

- 171.3** A board and its employees must assist a special advisor in the carrying out of the duties of the special advisor.

Division 6 — Offences**Maintenance of order**

177 (1) A person must not disturb or interrupt the proceedings of a school or an official school function.

(2) A person who is directed to leave the land or premises of a school by a principal, vice principal, director of instruction or a person authorized by the board to make that direction

- (a) must immediately leave the land and premises, and
- (b) must not enter on the land and premises again except with prior approval from the principal, vice principal, director of instruction or a person who is authorized by the board to give that approval.

(3) A person who contravenes subsection (1) or (2) commits an offence.

(4) A principal, vice principal or director of instruction of a school or a person authorized by the board may, in order to restore order on school premises, require adequate assistance from a peace officer.