SECTION 5

5 legislation

This section provides an overview of rights and responsibilities outlined in the *School Act* and its accompanying regulations and orders.

It is not a complete list, nor is it meant to interpret or take the place of legislation. If parents or others require more information, they are encouraged to call their local school district office, visit the Ministry of Education website (www.bced.gov.bc.ca/legislation) or seek legal advice. Other legislation also influences the rights and responsibilities of everyone involved in the public education system. (See list of other legislation in Appendix H, page 69).

There are rights and responsibilities that are common to everyone involved in public education. People must treat others with dignity and respect. They are entitled to:

- be treated with dignity and respect
- be free from discrimination
- be informed of their entitlements and how to access them
- information about decisions which affect them
- seek support and advocacy from people they choose or from their respective organizations.

Legislated Authority of School Boards

Source of reference: *School Act*

The School Board has the responsibility to:

- to establish a school planning council for each school (*SA Section 8.1*)
- to consult with each SPC on allocation of staff and resources, matters in the board's accountability contract and educational services and educational programs in the school (*SA Section 8.1*)
- for the management of schools and for custody, maintenance and safekeeping of all property owned or leased by the board (*SA Section 74*)

- to ensure that a principal, vice-principal or director of instruction is responsible for each school (*SA Section 74*)
- to provide an educational program for all persons of school age who live in the district and enroll in a school (*SA Section 74.1*)
- to ensure class sizes do not exceed required averages (*SA Section 76.1*)
- report to minister ensuring class size and composition requirements are met (*SA Section 76.3*)
- to make available to parents a standard school calendar for each school (*SA Section 77*)
- to consult with affected parents and employee representatives if adopting a school calendar different from the standard (*SA Section 78*)
- to establish and maintain a record for each student and each child registered with the board's schools (*SA Section 79*)
- to share student records when students are enrolled with more than one board (*SA Section 79.1*)
- to prepare an accountability contract with respect to student achievement (*SA Section 79.2*)
- to provide free of charge to every student of school age instruction in an educational program sufficient to meet general requirements for graduation and instruction in an educational program after student has met the general requirements (*SA Section 82*)
- to make an educational program available to suspended students (*SA Section 85*)
- to ensure discipline is similar to that of a kind, firm and judicious parent and not include corporal punishment (*SA Section 76*)
- report to the College of Teachers the dismissal, suspension, discipline or resignation of a member of the college or a person holding a letter of permission to teach. (*SA Section 16*)

A Board may:

- open, close or reopen a school permanently or for a specified period of time, subject to the orders of the minister (*SA Section 73*)
- temporarily close a school building if the health or safety of the students in endangered. (*SA Section 73*)
- operate more than one school in a single building or location (*SA Section 73*)
- refuse to enrol a non-district child under Section 2 if the child is suspended by another board, or a student to whom another board has refused to offer an educational program (*SA Section 74*)

"School Boards: have a duty to govern districts and their schools in accordance with specified powers in a fiscally responsible and cost effective manner. They have a responsibility to ensure that schools provide students with opportunities for a quality education; to set education policies that reflect the aspirations of the community and that are consistent with overall provincial guidelines; to provide leadership and encouragement to schools and the community; to cooperate with the community and social service agencies in the delivery of non-educational support services to students; and to focus on the following areas of district concern: (1) implementation of provincial and local education programs; (2) school finance and facilities; (3) student access and achievement; (4) teaching performance; and (5) accountability to parents, taxpayers, the community and to the Province."

BC Ministry of Education, Statement of Education Policy Order 1989

- develop a local school calendar (*SA Section 78*)
- require a deposit for educational resource materials for students which must be refunded all or in part on return of the materials (*SA Section 82*)
- determine local policy for efficient and effective operation of schools (*SA Section 85*)
- approve educational resource materials and other supplies and services for use by students (*SA Section 85*)
- permit persons other than students to use board facilities, equipment and personnel (*SA Section 85*)
- evaluate and recognize educational activities of an educational program undertaken by a student outside of the school (*SA Section 85*)
- develop and offer local programs for use in schools (*SA Section 85*)
- refuse to offer an educational program to a student 16 years of age or older where the student has refused to comply with the code of conduct, rules and policies of the board or failed to apply themselves in their studies. (*SA Section 85*)
- make rules respecting:
  - student conduct, suspension and attendance
  - establishment, operation, administration and management of schools, educational programs and transportation equipment
  - provision of educational program for suspended students
  - management of student housing and supervision of students in them
  - any other matter under the jurisdiction of the board (*SA Section 85*)
  - provision of volunteer services, as long as it does not displace an employee (*SA Sections 85*)
- provide a system of traffic patrols (*SA Section 85*)
- may enter into agreements with other boards to provide educational programs and health and support services to students. (*SA Section 86*)