# **GUIDE TO** School Legislation in British Columbia

# PARTI THE STUDENT & THE SCHOOL



British Columbia School Trustees Association

# GUIDE TO SCHOOL LEGISLATION IN BRITISH COLUMBIA

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# PART I THE STUDENT AND THE SCHOOL

Part I reviews the fundamental legislation governing who may attend public school, what programs may be expected, the school calendar, evaluation and assessment, special education and other support programs. The subsequent parts of the Guide build on this information as they review the school system's participants and their functions.

## 1.0 Attendance at Public School

### 1.1 The Right to Attend

Any resident of a school district in BC who is at least five years old by December 31, and who is not 19 years of age by July 1, has the right to attend public school during all of the current school year (sections 2, 3(1) *School Act*). The "school year" is July 1-June 30.

Section 2 of the *School Act* states that such residents are "entitled to enroll in an educational program provided by the board." In the great majority of cases, this means attendance at public school. There are exceptions, such as suspended students (Guide 4.6), hospitalized or homebound students (Guide 9.2), or students excluded on medical grounds (Guide 10.3), but the board still provides educational programs for these students in another setting.

Certain children will have the option of enrolling in a francophone educational program provided by BC's francophone education authority, the Conseil scolaire francophone.

Nevertheless, a board of education may refuse to offer an educational program to a student 16 years of age or older who refuses to comply with school rules or to study (section 85(3) *School Act*). The board may also exclude a student for health reasons (section 91 *School Act*) or suspend for unacceptable behaviour (section 85(2)(d) *School Act*), but must continue to provide educational programs for such students. A board of education may make further detailed rules concerning the attendance of students in educational programs (section 85(2)(c)(iii) *School Act*) and must issue a schedule of the days and hours of school operation (section 77 *School Act*) – see Guide 3.0.

Over-school-age persons may be permitted to attend educational programs under any terms and conditions specified by the board of education (section 75(8) *School Act*).

### 1.2 The Requirement to Attend

A healthy child must attend public school on school days from the age of five years, commencing in September, until her 16th birthday. The parent of a child who is five years old by December 31 may, however, defer the child's attendance until the following September (section 3(1)(2) *School Act*).

This requirement to attend public school does not apply where the child is attending an independent school, or First Nations Band school, or is registered and receiving home education that may include correspondence courses (section 3(3) *School Act*).

### 1.3 Non-Residents

A board of education must make educational programs available to school-age residents, as detailed above. (A board of education may also make educational programs available to persons not ordinarily resident in British Columbia or whose parents or guardians are not ordinarily resident in BC, on the payment of fees (section 82(1)(2) (3) *School Act*). Students in Canada on student visas are not considered resident, though the provincial government will fund them in some cases (e.g., reciprocal exchange programs).

### 1.4 Choice of Schools

Changes to the *School Act* introduced through Bill 34, the *School Amendment Act*, 2002, permit students to enroll in and attend any public school in British Columbia (subject to enrollment priorities) if there are space and facilities available for that student.

The 2002 legislation confers and attempts to reconcile two competing rights: a right of students to attend the school of their choice and the right to attend the neighbourhood school. A school-age resident of BC can enroll in an educational program in any school district and attend any school if there is space available. The board of education determines space availability. The legislation sets out the specific priorities in the following order:

- catchment area child who attended the school in the previous school year
- a catchment area child
- a non-catchment area child
- a non-school district child

#### (sections 2 and 74.1 School Act.)

A catchment area is defined as "in relation to a school, the geographical area established under section 75.1 as the catchment area for the school" (section 1 (1) *School Act*). Boards have to define catchment areas for each school, except for distance education or provincial resource program schools (section 75.1 *School Act*).

Boards must set up application deadlines. Within categories, applications must be dealt with on a first-come, first-served basis. A board may refuse to enroll an out-of-district student who has been suspended by a board, or who is over 16 and has been refused an educational program. Although a board of education may still able to meet its obligation to a student by providing an educational program in some place other than the school district, or through another board of education, it will need consent of the student's parent (sections 74.1 and 75 *School Act*).

Changes to the Act made in the spring of 2003 enabled boards to create policies allowing students who have attended the school in the previous year to be treated as catchment area children, regardless of where they live. This priority can also apply to the sibling of a student who attends the school. In schools that draw upon others for their enrollment, such as a middle school drawing students from an elementary school, the students may continue to have a high enrollment priority as if they were continuing at the same school (section 74.1 (6.1) and (6.2) *School Act*).

The legislation allows boards of education to make rules to determine priorities between students within the same priority category (sections 74.1 *School Act*).

### More Information

#### Distributed Learning Policy

www.bced.gov.bc.ca/policy/policies/dist\_ed\_residency.htm

#### International Students Policy

www.bced.gov.bc.ca/policy/policies/international.htm

# 2.0 Provision of Education

### 2.1 Educational Programs

An "educational program" as required to be provided by a board of education (section 75 *School Act*) is defined as:

an organized set of learning activities that, in the opinion of the board, is designed to enable learners to become literate, 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 (section 1(1) *School Act*).

For the vast majority of students, the provision of such educational programs entails attendance at a public school in the school district. The board has the power to direct students to specific schools and educational programs (section 75(4) *School Act*). The program can be provided, however, outside the district (sections 75(2) and (3) *School Act*) with the consent of a student's parents. A board of education may also recognize as part of a student's educational program "an educational activity not provided by the board" – a community college or correspondence course, for example (section 75(6) *School Act*).

### 2.2 Free of Charge

With limited exceptions, a board of education must provide free of charge to school-age students resident in British Columbia and enrolled in an educational program at one of its schools:

- instruction sufficient to meet the general requirements for graduation, plus instruction after graduation as long as of school age;
- educational resource materials necessary to participate in the educational program.

#### (Sections 82(1) and (2) School Act)

Boards of education can charge for other goods and services provided to students unless prohibited by a Minister's Order, provided they have established financial hardship policies and procedures (sections 82(3) and 82.4 *School Act*). Educational resource materials are information resources and materials and equipment necessary to meet learning outcomes and assessment requirements, except for school supplies and equipment for a student's personal use, personal clothing, and personal safety equipment (section 1(2) School Regulation). Boards can charge deposits on educational resource materials (section 82(4)-(5) *School Act*).

Boards of education may charge fees for materials beyond a quality or quantity required by the standard curriculum, and for school supplies and equipment for a student's personal use. They may also charge fees for the rental or purchase of a musical instrument and for tools, equipment and materials required to participate in a trades program. If a board offers a "specialty academy," it may charge fees relating to the direct costs of the academy that are additional to the costs of providing a standard educational program. (See Guide 7.9 for more information on specialty academies.) Boards can only charge for these items if they have policies and procedures to facilitate participation in activities by students who would otherwise be excluded by financial hardship (sections 82, 82.1, 82.2, 82.3, 82.4 School Act; section 1, School Regulation).

Fees may only be collected for field trips and special events that are optional and not part of the instruction or assessment of a student's educational program.

A list of all fees and deposits charged by the board must be published and available before the beginning of each school year (section 82(6) *School Act*).

### 2.3 Availability of Public Schools

The construction and expansion of school buildings requires a board of education to prepare, and receive the minister's approval for, a capital plan or budget – see Guide 82.1.

Subject to ministerial order, a board may close a school permanently, or for a specified period of time (section 73(1)(a) *School Act*). Ministerial Order 320/02, the School Opening and Closure Order, requires that boards inform the ministry of schools that are opened or closed; and that boards develop and implement a policy including public consultation when considering the closure of a school.

The minister may require closure of a school with fewer than eight students (section 168(2)(g) *School Act*).

A board of education may operate more than one school in a single building or location (section 73(2) *School Act*).

### 2.4 Francophone Education Programs

As of July 1, 1999, all francophone education programs in British Columbia are offered by the Conseil scolaire francophone de la Colombie-Britannique (CSF), which has province-wide jurisdiction. These programs are available to resident school-age children whose parents have minority language education rights under section 23 of the Canadian Charter of Rights and Freedoms. The board may also enroll children of parents who would have section 23 rights if they were Canadian citizens.

Citizens have section 23 rights in British Columbia if their first language learned and still understood is French or they received their primary school instruction in Canada in French.

Part 8.1 of the *School Act* governs francophone education. Almost all of the provisions of the rest of the *School Act* apply to the CSF, its schools and students, in the same way as they apply to boards of education; this book treats CSF as a board of education except where otherwise indicated.

### 2.5 School Buses

Section 85(2)(c)(iv)(B) *School Act* empowers boards of education to make rules concerning the provision and operation of transportation equipment. Provision of transportation is not mandatory, but many boards provide and pay for all or part of the cost of conveyance of students who live a considerable distance from the nearest school, where public transport is not available. The usual mode of transport is by school bus, either owned or leased by the board. Detailed operating requirements for school buses are contained in Division 11 of the *Motor Vehicle Act* Regulation (BC Reg. 26/58, as amended).

### 2.6 Student Housing

A board of education may acquire or construct housing accommodation for students whose homes are distant from public schools (sections 85(2)(f), 96(2) *School Act*). The board may also make rules on the management of student housing facilities and the supervision of students (section 85(2)(c)(vi) *School Act*).

### 2.7 Financial Assistance to Students

A board may assist a student with the cost of transportation, and board or lodging, where necessary because of distance. Also, subject to ministerial order, a board may assist in paying such costs and tuition fees for a student attending an education institution outside BC (section 83 *School Act*). (No such ministerial order has been passed as of July 2007.)

### 2.8 Adult Education

Boards of education are required to provide free educational programs to those adult students permitted by the board to enroll, and who have not yet graduated. However, the numbers of students are limited based on available government funding (section 82 (2.1)(2.3) Maximum Funded Adult Enrollment Order, M24/99).

Adult students may finish the courses necessary for receiving their regular Dogwood Diploma, or may work towards the BC Adult Graduation Diploma (also known as the Adult Dogwood). In the adult program, 20 credits are needed for graduation. This is different from the regular graduation program, which requires 80 credits for graduation. To be eligible for the Adult Dogwood, the student must be at least 19 years of age, and must take at least three of his courses leading toward graduation as an adult. (British Columbia Adult Graduation Requirements Order, M389/00.)

### 2.9 Distance Education Programs and Distributed Learning

Students in public schools and groups 1, 2 or 4 independent schools may access their educational program through paper-based distance education, or through internet-based "distributed learning" or "DL." Before offering a distributed learning program, a board of education or an independent school authority must enter into an agreement with the minister. Students in Grades 10 through 12 may take single courses through DL and may cross-enroll in public and independent schools (section 75 (4.1) *School Act* and section 8.1 *Independent School Act*).

A school-age child ordinarily resident in BC may take provincial distance education courses or DL at no charge. Fees provisions set out in the *School Act* apply to the provision of distance education or DL educational programs.

A society, the Virtual School Society, was incorporated to provide services to the Virtual School Alliance, a group of boards of education that have entered into agreements with the Ministry of Education to provide distributed learning courses.

See also Guide 110.7.

### 2.10 Provincial Resource Programs

Over 50 provincial resource programs operate throughout the province, serving approximately 6,000 school-age individuals. Some of these programs are operated in co-operation with other provincial ministries, including the Ministries of the Attorney-General, Health, and Children and Family Development. These programs enable students to continue learning while in hospitals, treatment centres or containment centres. Other facilities provide specific services for students with special needs throughout the province, either on an outreach basis or within a provincial centre. They are operated by boards of education on behalf of the province.

A list of provincial resource programs approved by the minister of education is set out in the Provincial Resource Program Order (M049/07).

### More Information

#### BC Ministry of Education Distributed Learning

https://www2.gov.bc.ca/gov/content/educationtraining/k-12/support/classroom-alternatives/onlinedistributed-learning

#### LearnNowBC

http://www.learnnowbc.ca/

#### Provincial Resource Programs

https://www2.gov.bc.ca/gov/content/educationtraining/k-12/teach/teaching-tools/inclusive-education

# **3.0 School Calendars** and Hours of Instruction

### **3.1 School Calendars**

The Lieutenant Governor in Council sets standard school calendars applicable for five-year periods (section 78 *School Act*; Schedule 1, School Calendar Regulation, BC Regulation 114/02, as amended). Boards of education may vary the standard school calendar to set a local school calendar for one or more schools in their school districts, within the flexibility allowed by the School Calendar Regulation and by following the prescribed requirements for consultation.

By May 31 each year, calendars for the following school year (July 1-June 30) must be made available to parents by boards of education. Each school has a calendar, which may be:

- the standard school calendar as set for each school year by the provincial cabinet, or
- a local school calendar as approved by the board of education, in consultation with students' parents and the school's employees.

Whether local or standard, each school calendar must specify:

- the school's opening and closing dates;
- the dates of administrative days, vacation periods, and holidays within the opening and closing dates;
- the number of days the school is in session (for standard school calendars between 191 and 194 to 2012/13);
- the number of days of instruction (for standard school calendars between 184 and 187 to 2012/13);
- the maximum number of non-instructional days (five or six, plus last day of June for end-of-year administration);
- the annual hours of instruction (see Guide 3.2).

Amending a standard or local school calendar after May 31 requires the board to consult with the school's employees and parents, unless the calendar will remain a standard calendar, in which case advance notification is sufficient. (Sections 77, 78 *School Act*; School Calendar Regulation.)

### 3.2 Days and Hours of Instruction

The board of education can vary the number of days of instruction established in the standard calendar through the local calendar process as long as the required number of hours of instruction is supplied.

Following are the required hours of instruction, excluding recesses, lunch periods and other scheduled breaks:

- for a student in Kindergarten: 2.4 hours multiplied by the minimum number of days of instruction set out in the standard school calendar for the school year;
- for a student in Grades 1 to 7: 4.75 hours multiplied by the minimum number of days of instruction set out in the standard school calendar for the school year;
- for a student in Grades 8 to 12: 5.15 hours multiplied by the minimum number of days of instruction set out in the standard school calendar for the school year.

Should a strike, lockout or emergency closure occur on a day scheduled for instruction, the scheduled instructional time counts toward the total requirements above (section 8(4)(b) School Calendar Regulation).

The board may designate a school day as an exam day when students do not need to attend except to write exams, or when teachers and principals mark exams and prepare report cards. Examination days are counted as instructional time for the purposes of the regulation (section 8(4)(a) School Calendar Regulation).

### 3.3 Non-Instructional Days

There is a maximum of six non-instructional days in the standard school calendar until 2012/13, which may be scheduled for such purposes as teachers' professional development, preparation of reports, and parent-teacher interviews. The minister of education may order a specific purpose for up to one of the six non-instructional days. A board can add more noninstructional days as part of its local school calendar if it has consulted with parents and staff at the school (sections 5 and 9, School Calendar Regulation; Designation of Purpose for Non-Instructional Days Order, Minister's Order 122/93).

### 3.4 Emergency Closures

A board of education may temporarily close a school if the health or safety of the students is likely to be endangered (section 73(1)(b) *School Act*). A school medical officer (see Guide 10.1) can require a board to close a school should the officer believe that the health or safety of students is at risk (section 90(2) *School Act*). A day closed for an emergency counts as a day of instruction and does not have to be "made up" (section 8(4)(c) School Calendar Regulation).

# 4.0 School Discipline, Suspension and Expulsion

### 4.1 Participation and Attendance Required

Every person enrolled at a public school shall participate in an educational program provided by the board (sections 3(1)(b), 6(2) *School Act*), and the board may make rules on the attendance requirements for students (section 85(2)(c)(iii) *School Act*).

### 4.2 Lateness and Absence

It is a teacher's duty to encourage the regular attendance of students (section 4(1)(f) School Regulation), and each principal must ensure that regular reports to parents on their child's progress include the child's attendance and punctuality (section 5(8) School Regulation).

### 4.3 Student Conduct

All students must comply with school rules authorized by the principal, and with the code of conduct and any other relevant rules and policies of the board (section 6(1) *School Act*).

Boards of education must establish codes of conduct for students enrolled with the board in accordance with the provincial standards set by the minister.

The principal is responsible for the general conduct of students during school activities, both on and off school premises, and, within board policies, has paramount authority on student disciplinary matters (section 5(7) School Regulation). This includes the power to suspend a student if carried out in accordance with the board's rules, and those rules do not provide otherwise (section 26 *School Act*). This same power to suspend in accordance with the board's rules also applies to the district's superintendent of schools and directors of instruction, and to vice-principals.

The principal's duty of supervision applies to students receiving distributed learning instruction off school premises only so far as the student's conduct is related to the distributed learning provided by the school (section 5 (7.1) School Regulation).

### 4.4 The Standard of Discipline

The standard of discipline applied to students attending an educational program provided by a public board of education "shall be similar to that of a kind, firm and judicious parent, but shall not include corporal punishment" (section 76(3) *School Act*). What constitutes corporal punishment is reviewed later in Guide 32.4.

### 4.5 Liability for Damage

The student and the student's parents are jointly and severally liable to the board for any of its property lost or damaged intentionally or through negligence on the part of the student (section 10 *School Act*).

Where losses are paid for by the board's insurer, the School Protection Program, it has the right, which is usually exercised, to pursue such claims against parents. Often parents will have coverage under their own homeowners' insurance policies if the damage was caused negligently.

### 4.6 Student Suspensions and Expulsions

A public board of education has the power to suspend a student from school attendance, in accordance with rules established by the board, provided that the board continues to make an education program available to the student (sections 85(2)(c)(ii), 85(2) (d) *School Act*). Unless the rules provide otherwise, the superintendent of schools and administrative officers (directors of instruction, principals, and viceprincipals) may also suspend students in accordance with the board's rules (section 26 *School Act*).

Where a student is 16 years of age or older, and the student refuses to comply with the code of conduct or other relevant board rules and policies, or the student fails to study, the board may refuse to offer the student any educational program (section 85(3) *School Act*). The term "expulsion" is not used in the *School Act*.

# 5.0 Student Reports And Records

### 5.1 Reports to Parents

The parents of a school-age public school student are entitled to be informed regularly of the student's progress in school. There must be three written reports and at least two informal reports during the school year, with one of the written reports at the end of the school year (section 7(1)(a) *School Act*, and section 4(2) School Regulation).

### 5.2 Teacher's and Principal's Duties

It is the teacher's duty to provide the information authorized by the minister or the board of education to the parents, and the principal's responsibility to ensure that the reporting is regular and comprises the student's school progress in "intellectual development, human and social development and career development and the student's attendance and punctuality" (sections 4(1)(h),(j); 5(8), (9) School Regulation).

### 5.3 Format for Reports

The three written reports must contain certain information as set out in the Student Progress Report Order, Minister's Order 191/94.

Report cards must include:

- Evaluation of all students against prescribed learning outcomes set out in the curriculum for each subject area or course;
- Primary grade reports (Grades K to 3) must include a performance scale as well as written comments;
- Reports in Grades 4 to 5 must include letter grades, unless the board provides letter grades in a different document and written reporting comments;
- Reports in Grades 6 to 7 must include letter grades and written reporting comments;
- Reports in Grades 8-12 must include letter grades, and where deemed appropriate, written reporting comments.

The letter grades and their meanings, for term and final reports, are restricted to those specified in Provincial Letter Grades Order, Minister's Order 192/94.

The two informal reports to parents required every school year may include telephone calls, student-led conferences, parent-teacher conferences, notes from teachers and "back-and-forth" books.

### 5.4 Reports for Special Education and ESL Students

Letter grades are only assigned to a student with special needs if the student is able to demonstrate her learning in relation to the expected learning outcomes. Otherwise the report card for a special needs student contains written comments about the student's achievement in relation to the learning outcomes set out in the student's individual education plan (IEP) (see Guide 9.3).

The same method of reporting is followed for students receiving English-as-a-second-language services (ESL students) until they can demonstrate learning in relation to the expectations of the regular program (Student Progress Report Order M191/94).

### 5.5 Consultation with Teachers

Parents of school-age students also have the right to consult with their child's teacher or principal regarding the child's educational program – while having the responsibility to consult if so requested by the teacher or principal (section 7(2) *School Act*). A student also has the right to consult with the teacher or principal on his educational program (section 4 *School Act*).

### 5.6 Student Records

#### 5.6.1 Records Maintenance and Security

The *School Act* requires boards to keep records for each student and for each home-school student registered with the board. These records must include the Permanent Student Record (PSR) card (Form 1704), report cards for the two most recent years (or a transcript of grades), all documents listed as inclusion to the PSR, current student learning plan (if any), and current individual education plan (IEP) (if any). The PSR and reports must be kept for 55 years from the date of withdrawal or graduation, though they may be transferred to another school on request (Permanent Student Record Order, M082/09).

Schools may, and do, keep other types of records relating to students, e.g., counsellors' files, teacher day books. Because student records contain personal information, they must be kept securely and have access restricted to staff whose duties require them to have such access (section 30, 32, 33, 33.1(f) *Freedom of Information and Protection of Privacy Act*).

#### 5.6.2 Access to Students' Records by Students and Parents

Students have rights of access to their own records under the *School Act* and the *Freedom of Information and Protection of Privacy Act*. Custodial parents exercise these rights on behalf of children too young to exercise them for themselves. The *School Act* also recognizes a "joint" right of students and parents to inspect student files.

There are exceptions to these rights, including the protection of third-party privacy and the protection of student's health or safety.

#### 5.6.3 Disclosure of Student Records to Third Parties

The Freedom of Information and Protection of Privacy Act strictly guards the confidentiality of student personal information. Disclosure to third parties is only allowed as specifically provided for in that Act or required by another enactment.

For example, the *Child, Family and Community Service Act* (section 96) allows designated child protection workers to require other bodies such as boards of education to provide personal information where required for child abuse investigations.

#### 5.6.4 Information Sharing for Distributed Learning Students

Since independent school students can take courses by distributed learning from public schools, and public school students can take courses by distributed learning from independent schools, there is a need to share student record information. Each independent school authority and board must provide access to information in student records that is necessary for the other to carry out its obligations under the *School Act* or *Independent School Act* (section 6.1 *Independent School Act*.)

## 6.0 Assessment, Examinations and Scholarships

### **6.1** Approval for Assessment Process

Section 169(3) *School Act* provides that, subject to cabinet approval, the minister of education shall issue from time to time a statement of education policy for BC. Such a statement was approved and published on September 1, 1989 (Order in Council #1280/89). It contains a mission statement, general policies for the school system, a set of goals for education and a description of the duties, rights and responsibilities of students, parents, teachers, boards, etc. Included are references to the need to focus on student achievement – presumably through assessment and evaluation.

# 6.2 Specific Authority for Minister and Boards

The minister of education may prepare a process assessing the effectiveness of educational programs and make orders for boards of education to participate in the assessment process "for the purpose of comparison to provincial, national and international standards." This was expanded in 2004 to include processes for measuring individual student performance (section 168(2)(d) and (d.1) *School Act*). The Student Learning Assessment Order, Minister's Order 60/94, requires boards of education, officials and teachers to administer, supervise, grade and complete provincial, national and international assessment programs (including provincial examinations) sent to boards of education by the minister of education, and to ensure the security of the assessments.

Boards of education may also implement educational assessments of students or groups of students subject to any Minister's Orders (section 85(2)(j) *School Act*).

### 6.3 Assessment Programs

The Ministry of Education conducts a Provincial Student Assessment Program that systematically gathers information from a variety of sources to assess student performance in relation to the objectives of the provincial curriculum. BC students participate annually in assessments that report their performance in a number of subject areas. These assessments assess student achievement at their grade level, provide results at each grade level, and provide information to aid curriculum revision.

BC students participate in a variety of types of assessments including:

- National and International Assessments
- Foundation Skills Assessment (FSA)
- Provincial examinations (in Math and Language Arts).

#### 6.3.1 National and International Assessments

National and international assessments test a variety of subject areas at various ages. Samples of BC students write these tests, which compare student achievement relative to other provinces and countries.

The Programme for International Student Assessment (PISA) is a project of the Organization for Economic Co-operation and Development (OECD); it measures the abilities of 15-year-olds in reading, mathematics, and science. Seventy-two countries and economies participated in PISA 2015; in Canada, approximately 205,000 15-year-old students from more than 1,000 schools participated.

TIMSS, the Trends in International Mathematics and Science Study, is designed to help countries all over the world improve student learning in mathematics and science. It collects educational achievement data at the fourth and eighth grades to provide information about trends in performance over time, together with extensive background information to address concerns about the quantity, quality, and content of instruction. It is conducted every four years. Canada last participated in 2015.

In 2016, Canada participated in PIRLS (Progress in International Reading Literacy Study). On a five-year cycle, PIRLS provides comparative information on reading literacy of students in Grade 4 and also examines factors that may be associated with the acquisition of reading literacy in young children. PIRLS is coordinated by the International Association for the Evaluation of Educational Achievement (IEA).

The Pan-Canadian Assessment Program (PCAP) is a cyclical test of student achievement in Math, Reading and Science sponsored by the Council of Ministers of Education, Canada, of Grade 8 students across Canada, with its latest assessment having occurred in the spring of 2016. The latest assessment was approximately 30,000 students from 1,500 schools.

#### 6.3.2 Provincial Assessments

The Foundation Skills Assessment (FSA) is administered annually to all BC students in Grades 4 and 7. It tests student ability in reading comprehension, writing and numeracy.

Provincial examinations are discussed below in 6.6.

#### 6.3.2 District Assessments

District-wide assessment programs may be designed to measure learning levels in locally developed courses, and variations in learning throughout the district in both provincial and local courses. The Ministry of Education assists school districts in designing and implementing district assessment programs.

### 6.4 Student Assessment and Examinations

The evaluation of an individual student's progress in learning is to be used for reporting on progress and adjusting teaching strategies. Evaluation is based on a variety of assessment tools, including (as appropriate for the subject) tests, exams, demonstrations, projects, reports, performances and problem sets. Except for provincial and graduation program exams, individual results are not sent to the ministry, but are used by teachers for student assessment and reporting-toparents purposes, and for determining any remedial instruction required.

The *School Act* requires that, subject to regulation, boards of education must have students assessed and evaluated by a person holding certificate of qualification (section 75(7)(b) *School Act*).

### 6.5 External Learning: Challenge and Equivalency

Since September 1997, school districts have been required to have policies in place that allow students to get credit for prior or external learning through challenge or equivalency processes (sections 7, 8 Graduation Program Order; sections 6-6.3 Graduation Requirements Order). Access to the challenge process has expanded considerably over the years. Originally boards were only obliged to offer challenge processes for a small number of provincial courses, and only if the district was offering the course in that year. Under the current (2017) graduation program, a student can challenge any Ministry Authorized Course numbered 10, 11 or 12 offered in the province, or any Board Authorized Course offered in the school district where the student is enrolled, to receive credit for it through an assessment of undocumented prior learning.

Equivalency refers to the granting of credit for Grade 10, 11 or 12 courses where supporting documentation shows that the student achieved the course learning outcomes at another institution or in another province or other jurisdiction. The Ministry of Education issues a table of equivalencies showing courses that the ministry has reviewed and deemed equivalent to provincial courses. School districts can evaluate other courses and programs claimed by students. Partial credit may be allowed.

Some postsecondary courses can be used to fulfill subject area graduation requirements, even if the learning outcomes are not the same.

In 2007, provisions were added to the *School Act* and *Independent School Act* to enable the minister to reimburse students or home-schooled children for instruction, examination or certification with respect to educational activities designated by the minister. The minister is also able to set limits on the number and amount of reimbursements paid. Presumably this would be for activities such as some external courses listed as equivalencies (e.g., Royal Conservatory Music 11 or 12) and certain postsecondary courses (section11.2 *Independent School Act* and section 168.1 *School Act*).

### 6.6 Graduation Requirements

Boards of education are required to provide students with educational programs that meet the general requirements for graduation ordered by the minister of education (section 82(1) (a), 168(2) (b) *School Act*).

#### 6.6.1 Graduation Programs

There are two different graduation programs that lead to a graduation certificate from the Kindergarten to Grade 12 system:

- 1. the Certificate of Graduation (Dogwood), which requires 80 credits leading to secondary school graduation and applies to most school-age BC students; and
- 2. the Adult Graduation Diploma, which provides that students who are 18 years of age or older can combine credits earned at both secondary and postsecondary schools toward either a BC Adult Graduation Diploma (Adult Dogwood), or a regular Certificate of Graduation.

Instead of graduation, students with special needs and on an individual education plan can receive a School Completion Certificate.

Changes to the graduation requirements came into effect in the 2018-2019 school year.

#### 6.6.2 Credit Requirements

The current Graduation Program includes Grade 10 as well as Grades 11 and 12. Students are to earn at least 80 credits over the three years; at least 16 must be at the Grade 12 level, including a Grade 12 language arts course. Students must also complete requirements for "Graduation Transitions," which comprises a collection of student documentation that demonstrates that the student has met the specified learning standards. Additionally, as of the 2016-2017 school year, students entering Grade 10 must write a provincial math exam and a provincial literacy exam before graduation.

Of the 80 credits students must complete, at least 48 credits must be earned in required subject areas, and four credits for Graduation Transitions, and at least 28 are to be elective credits. The electives can be chosen from provincial "Ministry Authorized Courses" or locally developed "Board Authorized Courses" based on the student's interests and career plans (see Guide 6.6.3). The length and scope of courses are reflected in their credit value. Courses such as English, social studies, mathematics and science are four credits each. The required subject areas are:

• Language arts, social studies, science, mathematics, physical education, fine arts and applied skills, planning.

There are other ways to earn credit than through taking courses. Credits may be awarded through equivalencies, challenges, external credentials, postsecondary credentials, and independent studies. (See Guide 6.5 and 6.6.4.)

#### 6.6.3 Board Authorized Courses

Although boards of education can develop local programs independent of the ministry's requirements, they are not eligible to be used for graduation credit under the Graduation Program unless they meet the ministry's requirements to be recognized as "Board Authorized Courses."

Board Authorized Courses are Grade 10, 11 and 12 courses developed or adopted at the district level that meet requirements set by the Ministry of Education. As the name indicates, they must be approved by the local board of education, but they also must pass muster with the Ministry of Education. If a board is advised by the ministry that a Board Authorized Course does not meet the ministry's requirements, it cannot offer the course for graduation credit without revising it and receiving ministry approval.

Students can use an unlimited number of Board Authorized Courses for their electives (in the 2004 Program).

Boards of education have developed a wide variety of Board Authorized Courses (e.g., philosophy, aviation technology, First Nations art). These take advantage of local resources (such as specialized industries or knowledgeable elders) and the enthusiasm and expertise of individual teachers, and reflect local needs and interests.

Courses may be referred to as BAA (Board/Authority Authorized Courses) to reflect that the independent school system (governed by independent school authorities rather than boards of education) also can develop such courses for credit.

#### 6.6.4 Independent Directed Studies

In the 2004 Graduation Program, up to four credits may be given for a course of independent directed studies. Boards do not have to provide challenge processes for courses of independent directed studies.

#### 6.6.5 International Students

Special rules govern graduation requirements for international students, limiting their access to challenge and equivalency review processes.

#### 6.6.6 Graduation Examinations

Commencing in the 2016-2017 school year, there were significant changes to the required provincial examinations a student must take to graduate. Instead of the previous required five provincial exams through Grades 10, 11 and 12, students entering Grade 10 as of 2016-2017 are now required only to complete a provincial examination in literacy and a provincial examination in mathematics prior to graduation.

#### 6.6.7 Graduation Transitions

The Graduation Portfolio requirement included in the 2004 Graduation Portfolio was controversial and was replaced starting with 2007-08 with a set of learning outcomes specified in the Graduation Transitions Program Guide. Students can satisfy the Graduation Transitions requirements in the following ways:

- Ministry Authorized Course(s)
- Board/Authority Authorized Course(s)
- Independent Directed Studies (IDS)
- independent self-directed learning outside the classroom
- components of Graduation Portfolio Assessment
- any combination of the above as determined by the board of education or independent school authority.

Many Ministry and Board Authorized Courses are designed to meet one or more of the prescribed learning outcomes for Graduation Transitions. Thus students can earn dual or multiple credits for taking courses that partially fulfill the Graduation Transitions requirements. Students begin working on Graduation Transitions in Planning 10 and may extend their studies in this area across multiple years.

The learning outcomes are in three areas:

**Personal Health** – students in Grades 10, 11 and 12 must maintain a personal health plan and participate in at least 150 minutes per week of moderate to vigorous physical activity.

**Community Connections** – students must participate in at least 30 hours of work experience and/or community service and describe what was learned.

**Career and Life** – students must complete a transition plan and present significant accomplishments.

Grades are not assigned. Completion of the requirements earns four credits in the graduation program.

The Graduation Program Order requires boards to establish and maintain activities and program options for students in accordance with Daily Physical Activity (DPA) and Graduation Transitions program guides to enable them to earn the required four credits of Graduation Transitions.

### 6.7 Graduation Credentials

On successful completion of the educational program, a student is entitled to receive the BC secondary school graduation diploma (the Dogwood Diploma), or the British Columbia Adult Graduation Diploma (See Guide 6.7.1). In addition, the students receive the Transcript of Grades, for use by prospective employers and postsecondary institutions (Student Credentials Order, M164/96).

A French-language Dogwood Diploma is awarded to students who have completed requirements of the francophone program. French immersion students and francophone students who also complete English Language Arts requirements get both diplomas.

#### 6.7.1 Adult Graduation Diploma

The Adult Graduation Program leading to the Adult Graduation Diploma or Adult Dogwood is substantially different from the regular graduation programs. Instead of 80 credits, 20 credits or five courses are required, which may be taken in the BC school system or the Adult Basic Education programs offered by postsecondary colleges (British Columbia Adult Graduation Requirements Order, M320/04).

Students must be 18 or older and must complete at least three courses through enrollment in a course or through Prior Learning Assessment after enrolling in the Adult Graduation Program.

Course requirements include a Language Arts 12 and a Mathematics 11 or 12. Provincial exams are optional.

#### 6.7.2 School Completion Certificate

The British Columbia School Completion Certificate is awarded to students who meet the goals of their educational program other than graduation. This can include students with Individual Education Plans, or students who meet other criteria established by their board of education.

### 6.8 Student Appeals

If a decision significantly affects a student's education, health or safety, it may be appealed to the board (section 11 *School Act*).

### 6.9 Grade 12 Scholarships

BC Achievement Scholarships recognize the top 8,000 graduates in the province. The Ministry will determine recipients based on achievement in Grades 10, 11, and 12 courses that satisfy 2004 Graduation Program requirements, including elective courses. Grad Transitions will not be included. Application is not required. There are, as of 2017, also 5,500 District/Authority Scholarships distributed across school districts and independent school authorities that recognize graduating BC students for excellence in their chosen area of interest or strength. Winners receive a \$1,250 scholarship voucher to use towards their postsecondary tuition.

Scholarship vouchers can be redeemed for postsecondary studies at a wide variety of accredited institutions, including approved apprenticeship and trades programs.

There are also a wide variety of scholarships for graduating students from private donors, foundations, private industry, associations, postsecondary institutions, organizations, government agencies.

### More Information

National and International Assessments

http://timss.bc.edu/

#### Foundational Skills Assessment

http://www.bced.gov.bc.ca/reports/pdfs/fsa/prov.pdf http://www.bced.gov.bc.ca/assessment/fsa/welcome.htm

#### Scholarships

http://www.bced.gov.bc.ca/awards/

#### Graduation requirements

www.bced.gov.bc.ca/policy/policies/earning\_credit\_ through.htm

#### **BC Graduation Program**

https://curriculum.gov.bc.ca/graduation

# 7.0 Curriculum, Courses and Learning Resources

### 7.1 Shared Control of Curriculum

The provincial Legislature holds the ultimate control over the contents and delivery of educational programs, since the Canadian Constitution makes education a provincial responsibility. This control will be subject to constitutional requirements and federal laws that are passed within the federal sphere of authority. Through the School Act, the Legislature has delegated its responsibilities for curriculum in a scheme that divides responsibility between the minister of education (who acts by ministerial order within the scope of the authority delegated by the Act) and the locally elected boards of education, which are responsible for delivering educational programs. An educational program is defined as an organized set of learning activities that, in the opinion of the board of education providing the activities, "is designed to enable learners to become literate, 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," that is, to fulfill the purpose of the public school system as described in the School Act (School Act Preamble, section 1(1), section 2). The board of education is also responsible for the evaluation of the educational programs it provides, subject to provincial regulations (School Act section 75(7)). The Act goes further to define how the board of education acts through its superintendent and its teaching staff to carry out these responsibilities (School Act section 22, section 17).

(See also Guide 51.0, The Legal Hierarchy.)

### 7.2 A Secular System

In addition to the requirement that educational programs be designed to meet the purpose of the public school system, the Legislature has made one other stipulation with regard to curriculum: that public schools be conducted on "strictly secular and non-sectarian principles," and that "the highest morality shall be inculcated, but no religious dogma or creed shall be taught" (section 76 *School Act*) – a phrase virtually unchanged from section 35 of the province's first *Public School Act* (1872).

In 2004, the Supreme Court of Canada ruled that a BC board of education had violated this provision by taking a non-sectarian approach when it refused to approve three books for Kindergarten classroom use that depicted families with same-sex parents. The board's decision was held to have ignored the broad principles of tolerance and non-sectarianism that underlie the *School Act*.

### 7.3 Minister's Powers

The *School Act* provides the minister of education with powers to make orders determining the general nature of educational programs for use in schools, orders specifying the program guides, and orders governing the use of educational resource materials in support of educational programs (section 168(2)(c),(e) *School Act*).

The Required Areas of Study in an Educational Program Order (Minister's Order M295/95) specifies learning activities that each student is to be offered in educational programs from Kindergarten to Grade 9, except where modified or replaced by an individual education plan (IEP) for a special needs student, or where a student is receiving English-as-a-secondlanguage services (section 9). Requirements for Grades 10, 11 and 12 are set out in the Graduation Program Order (Minister's Order M302/04). The currently authorized educational program guides are listed in Educational Program Guide Order (Minister's Order M333/99). Boards of education must only use educational resource materials designated by the ministry, or approved by boards using evaluation and selection criteria and procedures (section 3(1) Educational Program Guide Order).

The ministry also establishes requirements for Board Authorized Courses (see Guide 7.5.)

### 7.4 Kindergarten to Grade 12 Education Plan

The K-12 system is divided into three programs, Primary (Kindergarten through Grade 3), Intermediate (Grades 4-9) and Graduation (Grades 10, 11 and 12). The framework for public education in the province that shapes these programs includes:

- the mandate statement, which defines the broad purpose of K-12 education as: "enabl[ing] all learners to become literate, 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"
- attributes of the system (quality and standards, equity and access, accountability, relevance and cost-effectiveness), which define the kind of system the ministry is committed to fostering
- three principles of learning (learning requires the active participation of the learner; people learn in a variety of ways and at different rates; learning is both an individual and a group process), which reflect current understandings of the learning process and guide instructional design
- three goals of education (intellectual, human/ social and career development), which provide the broadest endpoints around which curriculum is designed
- a description of what constitutes an educated citizen (and therefore what the system hopes to impart to its students)
- requirements for graduation from the system.

The content requirements of the three programs are spelled out in the Learning Outcomes contained in subject-based curriculum guides called Integrated Resource Packages (IRPs). Additional directions on a range of policy and practical issues associated with the implementation of the three programs (e.g., with respect to special education, challenge and equivalency, earning credit in career programs, student reporting, etc.) are spelled out in Minister's Orders and policy statements.

### 7.5 Locally Developed Courses

*School Act* section 85(2)(i) empowers a board of education to develop and offer local programs for school use in the district.

In order for locally developed courses to be used to meet requirements under the 2004 graduation program, they must meet the requirements of a "Board Authorized Course." (See Guide 6.6.3.) Board Authorized Courses must be approved by the board and the ministry in accordance with ministry guidelines set out in the Course Information Booklet and the Board Authorized Course Order (M285/04).

Locally developed courses are available for students of all grades, while Board Authorized Courses generally apply to the graduation program only. Locally developed courses may be converted to Board Authorized Courses using the procedures in the Board Authorized Course Order (M285/04).

### 7.6 Second Language Training

The Ministry of Education's language education policy recognizes the educational benefits of learning a second language, and attempts to respond to the cultural and linguistic diversity within BC. All students must take a second language in Grades 5 to 8 unless exempted because of special needs. Boards of education may select a second language on the basis of student enrollment, community demand, and the availability of curriculum and teaching resources – which must be approved by the ministry for Grades 5 to 12. First Nations languages are recognized under this policy. If no alternative is selected by the board, French will be taught.

Provincial curriculum is currently available for French, German, Spanish, Japanese, Mandarin, Punjabi, Italian, Arabic, Russian, Croatian, Korean, American Sign Language, and a number of Aboriginal languages.

A board of education may only provide an educational program delivered in a language other than English with the minister's approval (section 5(3) *School Act*). (For francophone programs, see Guide 2.4.)

### 7.7 French Programs

There are three kinds of French programs in BC's public school system:

- (1) French-as-a-second-language, which provides regular instruction as part of the provincial curriculum.
- (2) French immersion, implemented by boards of education where practicable and the demand exists. The objective of these programs is for anglophone students to become fully bilingual through the use of French as the language of instruction and for all classroom activities.
- (3) Francophone program (Programme francophone), for children of francophone parents (see Guide 2.4 and Part XIII).

### 7.8 Aboriginal Language Programs

School Act section 85(3) and the Required Areas of Study in an Educational Program Order (M295/95) empower boards of education and First Nations bands to make agreements on the education of First Nations children; such agreements may require the board to provide a First Nations language program (section 14 School Regulation). These language programs may satisfy requirements for second language instruction.

Language programs need qualified instructors. The Teacher Regulation Branch has established a process to grant First Nations Language Teacher Certificates to proficient speakers of First Nations languages who have been recommended by the appropriate First Nations language authority. These certificates allow boards of education to hire, as teachers, elders or other proficient speakers who may not have formal teaching credentials.

First Nations language authorities are established by resolution of a Tribal Council or other recognized First Nations body.

### 7.9 Specialty Academies

Many boards of education offer choice programs intended to provide enriched opportunities in special areas of interest and draw students from other parts of the school district, from outside the school district or who would otherwise go to independent schools. These include special sports programs, outdoor education programs, technical and fine arts programs.

Some of these programs have substantial extra costs, e.g., for ice time, specialized equipment, or specialized coaching. The ability of boards to recover these costs through fees was put in doubt in a 2006 court case that ruled that most of what is offered to students in educational programs leading to graduation had to be provided for free. In response, the *School Act* was amended in 2007 to add the concept of "specialty academies." A "specialty academy" is defined as "an educational program that emphasizes a particular sport, activity or subject area and meets the prescribed criteria set out in the regulations." The Specialty Academy Criteria Regulation (BC Reg. 219/08) establishes minimum criteria for recognition as a specialty academy.

Specialty Academy Criteria Regulation, Reg 219/08 sets out the criteria that an educational program must meet in order for a board of education to charge specialty academy fees under s.82.1 of the *School Act*.

Criteria are:

- Additional learning outcomes. The program must meet learning outcomes that are additional to those required of a standard educational program and must reflect an emphasis on a particular sport, activity, or subject area.
- Particular subject area: if emphasizing a particular subject area, the subject area must be: Applied Skills, Fine Arts, Language Arts, Mathematics, Physical Education, Science or Social Studies.
- Minimum credit hours or hours of instruction in the particular sport, activity or subject area. A one-year program must include at least 240 hours or eight credits. A multi-year program must incluee at least 120 hours or four credits in each year.

All education programs (or courses) for which tuition fees are charged must meet these requirements. Any programs for which tuition fees are charged (sports or fine arts "academics," mini-schools, trades programs, outdoor schools, etc.) must meet the credit requirements set out in the order; and the board must have approved the fees (annually, before July 1). The regulation came into effect on July 1, 2009.

### 7.10

In 2008, daily physical activity requirements were added to the required program for all students. Schools must provide 30 minutes/day of endurance, strength or flexibility exercise (instructional or non-instructional) in Grades 1-9 (15 minutes for half-day Kindergarten), and from Grades 10-12 students are responsible for tracking and reporting on 150 minutes/week as part of the Graduation Transitions Program.

# 8.0 Work Experience Programs

### 8.1 Graduation Requirements

Work experience is that part of an educational program that provides a student with an opportunity to participate, observe, or learn about the practice of an occupation.

In the 2004 Graduation Program, to fulfill the community connections component of the Graduation Transitions requirement, all students must provide evidence that they have completed 30 hours of work experience or community service. This may include a ministry-authorized work experience course, a school-arranged work placement, volunteer service, or paid student-arranged employment.

Coverage of the students as "workers" under the *Workers Compensation Act* is provided by the Province for students involved in school-arranged work experience (Workers' Compensation Coverage Order, OIC 344/11). This protects the worksite employer from liability if the student is injured on the job and provides some benefits to the student if he is disabled as the result of injury on the job. Coverage is limited to students who are 14 years old or older.

### 8.2 Career Programs

Career programs are educational programs focusing on a career or career sector, combining related subjects with a work experience component. Work experience courses are usually offered as part of a career program and go beyond the work experience and/or community service component required by Graduation Transitions. Work experience courses are supported and monitored by the school. When instituting a career program, a board of education must ensure that the instructor is competent in the trade or occupation being taught (section 2 Work Experience Order M237/11).

Four types of career programs are described in the Work Experience Order:

• Career Preparation: includes work experience designed to prepare students in relation to a specific career sector for entry into the workforce, continued studies in school or further study at a postsecondary institution;

- Secondary School Apprenticeship is workplacebased training where a student registers with the Industry Training Authority;
- Co-operative Education (minimum eight credits / 240 hours) is designed to provide student with opportunities to explore one or more careers. Its primary component is work experience; it emphasizes generic employment skills;
- Career Technical Centre Program is an educational program that combines secondary and postsecondary courses in a range of applied technology and trades areas, and allows students to earn credits towards both secondary school graduation and a postsecondary credential.

Initiatives in the areas of trades training have given students the option of earning graduation credits for apprenticeship training programs, as well as dualcredit college technical programs. Trades courses may be offered by the school district directly (e.g., hairdressing, chef training) or in partnership with a postsecondary institution, public or private.

### 8.3 Work Experience Courses

In addition to the work or community service that is part of the Graduation Transitions requirement, there are a wide variety of courses, both Ministry Authorized and Board Authorized. Some of these will qualify as ACE-IT courses (Guide 8.2).

Students may also use past or current paid employment to earn work experience credits if it satisfies the career, educational and personal objectives of the student and provides for coverage under the *Workers Compensation Act* for the student.

In conjunction with work experience-based independent directed studies (Guide 6.6.4), students can receive up to 16 credits in a graduation program for work experience.

Some forms of work experience take place at "standard worksites" operated by outside employers. Boards of education may also establish their own sites to provide work-oriented experience for students. These are under the supervision of the school and the school has its normal responsibilities for student safety.

In order to be reported as a ministry-authorized

work experience course, the work experience must be supported and monitored by the school and consist of authentic workplace experiences. In most cases, ministry-authorized work experience consists of school-arranged, non-paid placements. Exceptions include Secondary School Apprenticeship, other industry-training work programs, and individual situations in which a student's paid employment coincides with the student's career plans and is supported and monitored by the school.

All students participating in elective work experience courses must have in-school orientation to prepare them for the workplace. The orientation must include instruction on worksite safety awareness. It may also include topics such as generic employability skills, education skills transferable to the specific work placement, worker rights and responsibilities, and employer expectations.

A four credit course consists of 100-120 hours of work experience. These hours may include in-school time spent on specific workplace orientation and workplace safety instruction.

For school-arranged work placements there must be a signed Work Experience Agreement form. The ministry provides a sample form.

WorkSafe BC coverage is provided by the province for work experience students, provided: the work placement is a non-paid, school-supported placement at a standard worksite; the student has received instruction in workplace safety before going on the work placement; and, a Work Experience Agreement form has been signed by all parties.

Students who use paid employment supported and monitored by the school to earn credits for elective work experience courses must show that they are working at a site where WorkSafe BC coverage is provided.

Boards must establish guidelines respecting the conduct, supervision, evaluation and participation of students in all school-arranged work placements. School personnel must monitor each student on a school-arranged work placement as determined by board/authority guidelines. An educator with a valid teaching certificate must evaluate all work experience courses and assign a percentage before reporting it to the ministry for course credit. Evaluation should be based on clear criteria and should include a variety of assessment strategies.

### More information

Ministry of Education Policy: Work Experience and/or Community Service Requirements for Graduation and Workplace Safety https://www2.gov.bc.ca/gov/content/educationtraining/k-12/administration

#### Ministry of Education Policy: Elective Work Experience Courses and Workplace Safety

https://www2.gov.bc.ca/gov/content/educationtraining/k-12/administration/legislation-policy/publicschools/career-life-connections-worksafebc-coverage

Ministry of Education: Careers and Applied Programs http://www.bced.gov.bc.ca/careers/

#### Industry Training Authority

https://www2.gov.bc.ca/gov/content/governments/ organizational-structure/ministries-organizations/crowncorporations/industry-training-authority

www.itabc.ca

# 9.0 Other Special Programs and Services

### 9.1 Special Programs

Section 75 of the *School Act* requires boards of education to make an educational program available to enrolled school-age persons – see Guide 2.1. Educational programs are designed to enable learners to develop their individual potential (section 1 *School Act*, definition of "educational program"). One aspect of this development of individual potential is career exploration, as discussed above. Many other programs and services are designed to meet student needs of special types, such as the needs of students with disabilities, gifted, First Nations, or ELL (English Language Learners) students.

In 2002, the funding allocation system was substantially changed and almost all of the former specific program and service level funding was merged into a basic funding allocation based on student numbers. Most special programs are funded by boards of education from their basic funding allocation. The government provides supplemental funding to boards of education that provide services in a few specific areas (collectively described as Unique Student Needs): English-as-second-language programs, Aboriginal education programs, special education services for three levels of special needs students, and adult education programs. Funded services may change from year to year, depending on ministry priorities. Boards have flexibility about how they spend the additional funds, except for those funds that are "targeted," where boards of education are required to spend the additional funds only in the specific service area and as directed by the ministry (Section 106.4 School Act).

The *School Act* (section 106.4) allows the minister to target any part of an operating grant and direct the board of education how such funds are to be spent.

See also Guide 81.0 on Operating Budgets.

### 9.2 Special Education Services

Special education services typically provided by school districts include:

- programs for students with severe behavioural difficulties;
- specialists such as speech-language pathologists, school psychologists, and itinerant specialists;
- school-based learning assistance that supports regular classroom instruction;
- resource rooms;
- special outside-of-school options including hospital and home-based services;
- teacher assistant support; and
- a wide range of provincial programs and services (see Guide 9.5, Provincial Resource Programs).

Since 2002-03, the ministry has provided additional funding to districts for students categorized as Level 1 (dependent handicapped and deaf/blind), Level 2 (moderate to profound intellectual disabled, physically disabled, chronic health impaired, visually impaired, deaf/hearing impaired, autistic) and Level 3 (intensive behaviour interventions or serious mental illness), the students requiring the highest levels of support. Special services to other special needs students are funded from the district's base allocation.

### 9.3 Individual Education Plans

Special needs students are defined as students with disabilities of an intellectual, physical, sensory, emotional or behavioural nature, or with learning disabilities, or with exceptional gifts or talents (Special Needs Order, M150/89).

As soon as such a student is identified, an individual education plan (IEP) must be designed for that student. The IEP includes any modified learning outcomes, required support services, and adapted materials, instructional or assessment methods.

IEPs are not required for students who need at most minor adaptations or modifications and 25 hours or fewer of remedial instruction per year to meet the regular expected learning outcomes (Individual Education Plan Order M638/95).

### 9.4 Special Education Placement and Support

Most special education programs are provided in regular and/or special classes in local schools. There are also special education schools operated by school districts at the provincial level, e.g., schools for the deaf or deaf and blind.

A board of education has the power to assign and reassign students to educational programs (section 75 *School Act*), and a student shall participate as directed (section 6(2) *School Act*). In all cases the best educational interests of the student are paramount, not administrative convenience – the BC school system is committed to integrating students with special needs into the mainstream of school life unless the needs of the student (or other students) indicate otherwise (Special Needs Students Order M150/89).

A student or parent may consult with a teacher or administrative officer concerning the student's educational program (sections 4, 7(2) *School Act*). A student or parent may appeal to the board any decision, or lack of a decision, by a board employee that "significantly affects the education, health or safety" of the student (section 11 *School Act*). Also, public schools and boards of education are subject to the provisions of the *Ombudsman Act* and the *Human Rights Code* – see Appendix to this Guide for overviews.

Minister's Order 150/89 (Special Needs Students Order) requires boards of education to ensure that a principal, vice-principal or director of instruction offers to consult with a parent of a student with special needs regarding the student's placement in an educational program, and that unless the student's educational needs, or the educational needs of other students, indicate otherwise, the student should be integrated with others without handicaps.

Special education students often need the support of classroom assistants, trained to provide the necessary support (e.g., personal care, health procedures, supervision) that will allow the student to participate in the educational program in the regular classroom.

Where a staff member has been trained to carry out complex health procedures (e.g., gastronomy care, tube feeding, catheterization) on a specific student, that staff member is not permitted to carry out those procedures on other students (Support Services for Schools Order, M149/89).

### 9.5 Provincial Resource Programs

Provincial resource programs (see Guide 2.10) are programs funded by the province and operated by host boards of education. Some of them provide educational programs directly to students in exceptional circumstances (such as students in hospitals or containment centres) or with specific disabilities (such as the Provincial School for the Deaf in Burnaby) and others provide specific special needs services. Special Education Technology Centres (SET-BC) provide specialized equipment.

### 9.6 Other Community Support Services

The Ministry of Education assumed responsibility for the Community LINK program from the Ministry of Children and Family Development in 2003/04. Community LINK (Learning Includes Nutrition and Knowledge) provides funds to boards of education for services such as breakfast and lunch programs, inner-city school programs, after-school care, schoolbased support workers, community school programs, and counselling for at-risk children and youth. The purpose is to improve the educational performance, including the academic achievement and social functioning, of vulnerable students. See also Guide 10.10 and 21.4)

### 9.7 Aboriginal Education Services

In 1999, education partner groups (representing First Nations, First Nations Schools, the federal Indian Affairs department, the provincial Ministry of Education, school boards, teachers and principals) signed a memorandum of understanding witnessing their mutual intention to improve the school success of First Nations learners in British Columbia.

One of the Ministry of Education's initiatives for improving Aboriginal education is a project to encourage school districts and local First Nations to sign Aboriginal Education Enhancement Agreements to collaborate on shared goals and strategies to improve locally delivered programs. These agreements often establish parameters for services to Aboriginal students.

Boards of education receive a provincial targeted grant (additional to the basic funding allocation) for each Aboriginal student to whom they provide Aboriginal education services and they must spend the funds in this area. With the support of this funding, boards of education have developed a wide variety of programs aimed at serving the needs of Aboriginal students, including language and culture programs and support workers. Many school districts include goals in this area in their accountability/achievement contracts.

Boards may enter into agreements with band councils for the education of children for whom the band receives federal funding. These local education agreements may provide for special reporting and consultative arrangements and special services, to be paid for by the band from the federal funding.

See also Guide Part XII Aboriginal Education in BC.

# 9.8 English-as-a-Second-Language (ESL) Services

Students with limited skills in the English language also need special services to ensure that they have equitable educational opportunities. ESL services have been offered by BC schools for many years, but services have changed substantially in recent years to take account of the different backgrounds of immigrating students, as well as increased numbers of students requiring these services.

The majority of immigrants used to come from European countries; now they come from diverse countries. Many students are unfamiliar with our alphabet or with Western traditions, history, or lifestyle. ESL services must provide not only the teaching of English but also an orientation to British Columbia society. Greater numbers of refugees have meant an increased need for psychological and counselling support.

The ministry provides additional funding to boards of education based on the number of ESL students receiving services.

### 9.9 Alternative Programs

Many boards of education operate "alternative" programs as well as "standard schools." These often enroll young people who have dropped out of regular programs. Different instructional techniques may be used than in conventional classrooms to more individualize the pace of learning. One form of alternative program is "Distributed Learning," which provides instruction to students at home through online electronic delivery. See Guide 2.9 for more on distributed learning.

### 9.10 International Student Programs

Many boards of education have developed programs to attract international, fee-paying students to attend schools in their school districts. These may include programs leading to secondary school graduation with a BC Dogwood Certificate, or an International Baccalaureate Program, or a summer school or short-term study program. Home-stay programs for the students may also be organized by districts or through other agencies.

### 9.11 BC Offshore Schools

Since 1997, the Ministry of Education has operated a program to certify certain schools outside of BC to operate as "BC Certified" offshore schools. In these schools, courses are taught in English by BC-certified teachers; the educational program meets learning outcomes of the BC curriculum; the students write BC graduation examinations, and graduates receive BC course transcripts and graduation diplomas. The schools are inspected annually by the ministry to ensure program standards are met.

Education authorities or companies wishing to operate an offshore school must pay an application fee, and progress through a detailed certification process. BC boards of education have no statutory authority to operate outside their school district, so those wishing to become involved in operation of an offshore school would normally do so through a school district business company. (See Guide 54.0.)

### 9.12 District Literacy

In 2007, *School Act* amendments gave boards of education the responsibility for "district literacy." See also Guide 21.6.

### 9.13 Early Learning

In 2007 the *School Act* was amended to enable boards of education to provide early learning programs to

children under school age. Early learning programs are defined as being designed to improve children's readiness for Kindergarten and requiring that a parent or caregiver be in attendance with the child (sections 2 and 86 (5) *School Act*). They are not schoolbased day cares.

There are licensed daycares operating in many schools, but they are generally operated by organizations that are separate from the boards of education. This is because boards lacked the statutory mandate to provide educational services to prekindergarten students before these 2007 amendments.

A board of education may only offer an early learning program under an agreement with the minister. Parents and caregivers attending StrongStart BC centres will participate in organized sessions like story time, in play activities, and in serving a healthy snack. The centres are open at least three hours a day and five days a week.

Children attending early learning programs as of September 2007 will be provided a Personal Education Number (PEN) by the ministry.

### More information

#### **Special Education**

https://www2.gov.bc.ca/gov/content/educationtraining/k-12/administration/legislation-policy/publicschools/special-education

#### K-12 Special Needs and Funding

https://www2.gov.bc.ca/gov/content/educationtraining/k-12/administration/legislation-policy/publicschools/k-12-funding-special-needs

#### Community LINK

https://www2.gov.bc.ca/gov/content/educationtraining/k-12/administration/legislation-policy/publicschools/communitylink

#### Early Learning and StrongStart centres

https://www2.gov.bc.ca/gov/content/educationtraining/k-12/administration/legislation-policy/publicschools/strongstart-bc-early-learning-outreach-programs

# 10.0 Student and Teacher Health

### 10.1 Health and Support Services

"Health and Other Support Services" is the divisional title of *School Act* sections 87.1-92. Boards of education must provide health services, social services and other support services for schools as ordered by the minister of education (section 88(1) *School Act*, Minister's Order 149/89).

In addition, the each regional health board must appoint a medical health officer for each school district. The Minister of Health may appoint other persons to undertake inspection and other duties required by the minister of health.

### 10.2 Examinations of Schools and Students

A school medical officer may be required by the minister of health to inspect schools and their surroundings, and report to the board of education and the minister of health. The school medical officer may require the board of education to close a school when the officer considers that the health or safety of students is at risk (section 90 *School Act*).

A school medical officer may examine, or be required by the minister of health to examine, the general health of students in the school district (section 91(1) *School Act*).

### 10.3 Exclusion of Students

The school medical officer must report to the board of education any student whose health condition the officer considers to endanger the health or welfare of other students or the board's employees; the board shall exclude such a student until the school medical officer certifies that the student may return (section 91(2)-(4) *School Act*). A student may also be excluded from school by a teacher or administrative officer who suspects that the student is suffering from a communicable disease or other physical, mental or emotional condition that endangers the health or welfare of fellow students. The student may return when a private medical practitioner, a private nurse practitioner, or the school medical officer so certifies (section 91(5) *School Act*).

### 10.4 Education Program for Excluded Student

Any student excluded from school in accordance with Guide 10.3 shall continue to have an educational program made available by the board of education (section 91(6) *School Act*).

### 10.5 Specific Services for Students

The Support Services for Schools Order (Minister's Order 149/89) requires each board of education to:

- equip and maintain a medical room in each school, and make it available to the community health nurse assigned to the school;
- refer hearing impaired students to the Ministry of Health for assessments of their auditory training equipment needs;
- provide speech and language therapy services when needed;
- refer students with disabilities that interfere with their education for medical assessment and subsequent occupational or physiotherapy consultation;
- ensure training and supervision by appropriate health professionals for school staff designated to carry out complex health procedures for students.

### 10.6 Data for School Medical Officer

Section 6 of the Support Services for Schools Order (Minister's Order 149/89) requires the superintendent of schools to advise annually, before June 30, the school medical officer of all school locations and projected enrollments in the school district.

### 10.7 Employees' and Contractors' Health

A board may, on the school medical officer's advice, require an employee or a contractor in contact with students to be examined as to physical, mental and emotional health (section 92(2) *School Act*).

### 10.8 Employees' Suspension, etc.

Should the employee fail to take the examination within 14 days without reasonable excuse, the board may dismiss the employee. If the contractor fails to take the examination, the board of education may require a replacement contractor. Should the examination reveal a danger to the health or welfare of students, the employee shall be suspended until permitted to return to work by the school medical officer (section 92(3)-(8) *School Act*). Though the Act is silent regarding a contractor whose examination reveals a similar danger, the board may presumably require a replacement contractor.

### **10.9 Vaccination Requirements**

The *Public Health Act*, section 114 empowers the provincial cabinet to issue regulations requiring the vaccination of children, but at time of writing no such regulations exist.

Students who are old enough to understand the risks and benefits of specific vaccinations have legal capacity to consent under the *Infants Act*, though boards of education may require parental consent before allowing vaccinations to take place in the school.

### 10.10 School Meals

A provincial school meals program began in 1992 to help provide a healthy learning environment through good nutrition. This program was transferred to the Ministry of Education from the Ministry of Children and Family Development in 2003 and is included in the Community LINK program (see Guide 9.6).

In 2002, the Public Education Flexibility and Choice Act, 2002, added a provision to the School Act (section 26.2) to permit a board of education to contract with any person (or company) to provide school meals to students at one or more of its schools, despite any existing provision of a support staff collective agreement. The section also prohibits such a collective agreement from containing provisions that limit, restrict or regulate a board's authority to enter into contracts for school meals programs. However, as of June 2017, this section has not been brought into force, and the constitutionality of such a provision may be in doubt following the Supreme Court of Canada decision in BCTF v. BCPSEA, 2016 SCC 49. School meals programs are often delivered with the help of volunteers. In 2001, the *School (Protection of Parent Volunteers) Amendment Act* was passed to ensure that parents could volunteer in schools except where their participation would displace an employee, subject to rules of the board of education. Any collective agreement provision that provides other limits on the right to use parent volunteers is void (*School Act* section 26.1).

### 10.11 Tobacco Control

In 2007 government amended the *Tobacco Sales Act* and renamed it the *Tobacco Control Act* (Bill 10, *Tobacco Sales (Banning Tobacco and Smoking in Public Places and Schools) Amendment Act*, 2007). The amendments introduce a ban on smoking, the use of tobacco, or holding lighted tobacco in or on school property (property used for delivering educational programs) to come into effect September 2, 2007 (section 2.2 *Tobacco Control Act*). The government subsequently amended the legislation to address vapour products. Accordingly, currently the *Tobacco and Vapour Products Control Act* is in place and prohibits smoking, including e-cigarette use, or other use of tobacco in or on school property.

There is an exception for ceremonial use of tobacco that is approved by the board and performed in relation to a traditional Aboriginal cultural activity, or performed by a group for a purpose approved by government regulation.

The ban applies not just to students and staff but to all user groups and visitors to school property. It is an offence to violate the smoking ban. Not only the smoker, but also the board, superintendent and principal may be charged. They can defend a charge by showing that they exercised reasonable care and diligence to prevent the contravention. (Penalties under the *Offence Act* range up to fines of \$2,000 or six months' imprisonment.)

Non-school workplaces are also affected by the ban. Smoking is banned in fully or substantially enclosed places (including vehicles) that are workplaces. This includes work vehicles. Outside, smoking is prohibited within six (6) metres from a doorway, window or air intake of a workplace.

Employers are deemed to have committed the offence if someone contravenes the ban unless the employer

can show that it has exercised due diligence to prevent the contravention.

### 10.12 Vending Machines

Government has put in place for public buildings (Healthier Choices in Vending Machines in BC Public Buildings) requiring replacement of "junk food" in vending machines with "healthier food choices." There appears to be no legislative authority under which this has been extended to board of educationowned buildings but the ministry has indicated its expectation that boards of education comply with this policy with regard to board offices and other nonschool buildings.

Boards have been asked to report under the provincial health buildings policy to the Ministry of Labour and Citizens' Services (Healthier Choices) with regard to vending machines in nonschool buildings. School vending machines are within the purview of the Ministry of Education Healthy Schools project. Although the Ministry of Education's Guidelines for Food and Beverages Sales in BC Schools (revised September 2007) are not legislated, boards are asked to account through their achievement contracts for their adherence to the Guidelines.

### 10.13 Anaphylaxis

The Anaphylaxis Protection Order (M232/07) came into effect on September 13, 2007, requiring boards of education to have policy and procedures relating to anaphylaxis that comply with the Order and the Anaphylactic and Child Safety Framework established by the minister. The policies and procedures must be posted on the board's website and otherwise be available to the public. Boards must have a training strategy consistent with the Framework. The Framework may be amended from time to time. The current version is available, along with a large group of resources (including a sample policy and a demonstration video) on BCSTA's website, www.bcsta.org.

The Anaphylaxis Protection Order was amended effective February 18, 2009 to clarify that a record of student allegories for an anaphylactic student forms part of the Permanent Student Record.

# **11.0 Student Safety and Care**

### 11.1 Standards for Classrooms and Activities

Within policies of the board, the school principal is responsible for overall administration and supervision of the school and the students (section 5(7) School Regulation).

The School Regulation also requires teachers to assist as the board or principal considers necessary in the supervision of students "on school premises and at school functions whenever and wherever held," and to "ensure that students understand and comply with" school rules, policies and codes of conduct (section 4(1)(b), 4(1)(c) School Regulation). Supervision duties and teacher participation are also governed by collective agreements.

### 11.2 Liability for Injuries to Students

With respect to students, boards of education and school staff have not only a duty to avoid actions that will foreseeably injure them, but also a duty to protect them from foreseeable harm while they are under the control of the school. This gives rise to a duty to provide reasonable levels of supervision of student activities, and not to permit activities that carry unreasonable risks. In considering what risks are unreasonable, courts have been mindful of the fact that many activities considered important for their educational value (notably sports) involve substantial inherent risks, so this does not mean that all activities that could result in injury should be avoided. It does mean that educational benefits need to be weighed against risk and all reasonable efforts made to minimize risk.

The most common place for an accident to happen at school is in the schoolyard, during lunch or recess, though these accidents are often very minor. More serious accidents happen in shop classes in connection with equipment. Sports injuries are also common.

If a board employee is negligent in carrying out his duties, the employing board of education is liable. This is termed "vicarious liability."

Boards of education, as occupiers of property, also

have a duty to keep that property safe for those using it. Many school-related accidents are slip-and-fall incidents. Some of these relate to the condition of the premises but many, especially those that are weatherrelated, could be avoided by proper student footwear.

The School Protection Program, administered by the Risk Management Branch of the Ministry of Finance, provides insurance and risk management services to boards of education. Its publication, *RiskEd*, contains useful advice to schools and school districts about minimizing both danger to students and legal liability of boards of education. (See also Guide 32.8, Protection from Liability.)

### 11.3 The "Careful Parent" Test

How careful do school staff members have to be in protecting and supervising students? The courts have answered, "As careful as a careful parent would be of his or her own child's safety." If a teacher or other person responsible for student supervision is less careful, and a student is injured as a result, liability can follow.

There are many circumstances in which teachers and boards of education have been found to be negligent; following are a few examples. Teachers have been found to be negligent for: failing to supervise a group of Grade 9 boys using gymnastics equipment; allowing an adult special education student to go on an unscheduled, unsupervised mountain climb during an overnight field trip; directing students in a ragball game to stand in a place where they could be hit by a bat; and requiring a student in a PE class to perform an exercise that was dangerous for him because of his lack of physical fitness. Boards of education have been found to be negligent for: providing inadequate levels of supervision; not having an adequate communication system between the school office and the bus loading area; and failing to take steps to keep students off school roofs.

### 11.4 Factors to be Considered

The "careful parent" test is often difficult to apply in the context of school activities and courts have recognized that many factors enter into the application of the "careful parent" test, including:

- (a) the number of students being supervised at any given time
- (b) the nature of the activity
- (c) the age and degree of skill and training which the students may have received in connection with the activity
- (d) the nature and condition of the equipment in use
- (e) the competency and capacity of the students involved.

The application of these factors may result in the expectation that instructors have a higher level of expertise than would be expected of an ordinary parent.

### 11.5 Consents and Waivers

A parent's written authorization for a student's participation in a non-conventional activity could indicate that the activity is appropriate to the individual student's capacities, if the parent has been given enough information about the activity and risks to make that judgment. This does not, however, lessen the school's obligation to provide adequate instruction, preparation and supervision. A written consent form does not relieve the board of education from liability for negligence resulting in injury to a student.

A waiver is an intentional giving up of the right to sue. These are sometimes required by operators of outside facilities, such as ski hills; some boards of education use them for high-risk activities. Waivers have been upheld by courts in cases concerning adult participants in recreational sporting events. Even though minors lack the legal capacity to sign away their rights, and parents lack the right to sign away their children's rights, waivers signed by parents may still have some effect on the parents' own legal rights and should not be ignored. If signing a waiver will be a requirement of participation in a school-sponsored activity, it is fair to provide advance notice of that fact to parents. See Guide 32.8 for discussion of protection of school staff from liability.

### 11.6 Student Travel

The board of education and its employees are not generally responsible for the safety and care of students when they are travelling to and from school, except if the transportation used by the student is under board control. For example, the board has a "duty of care" when a school bus is made available, but not necessarily when a transportation assistance allowance is paid to parents. There may be an exception where the board of education does something that creates or increases the risk (e.g., releases Kindergarten children early without informing parents, as happened in a British case).

The responsibility of the board extends to the safe loading and unloading of students if a school bus is used.

### 11.7 Field Trip and Extracurricular Transportation

When transportation is required for curricular activities taking place off school grounds, the board of education generally has overall responsibility for safety. Sometimes the board will provide transportation, e.g., by school bus; sometimes school staff will organize volunteer transportation. Volunteers in this case are acting on behalf of the board of education. In the event of any accident with claims exceeding the limits on the owner's Insurance Corporation of BC (ICBC) coverage, the board's excess insurance would apply. The School Bus Regulation, (Division 11, Motor Vehicle Regulation under the Motor Vehicle Act), provides for passenger vehicles to be operated as "school buses" when transporting students on behalf of the board. Such vehicles must be approved on behalf of school authorities and must not be operated if unsafe, but they do not need a school bus permit.

Work experience programs are an exception. Though they are curricular activities, students are usually required to make their own arrangements for transportation to worksites off school grounds.

For extracurricular activities, boards can similarly provide transportation or coordinate volunteer transportation. They also have the option of not providing or coordinating transportation and requiring participants to make their own arrangements. This avoids the board having to take responsibility for the safety of the arrangements, but may be impractical or undesirable in local circumstances, and may expose students to unnecessary risk.

In determining policy on extracurricular transportation, boards should consider access, cost and safety issues in the context of local circumstances.

The School Bus Regulation governs all vehicles used by or on behalf of the board of education for the transportation of students to or from school, not just yellow and black school buses. The only vehicles that can be used by or on behalf of a board of education for field trips are vehicles with valid school bus permits (yellow and black school buses, special activity vehicles (over 10 seating capacity), special vehicles (maximum seating capacity 10, designed or modified to transport handicapped persons), taxicabs, and approved passenger vehicles (maximum seating capacity 10)). To use a larger passenger vehicle, whether a volunteer vehicle or, more usually, a rented vehicle, a special school bus permit from the Motor Vehicles Branch is needed.

Many boards of education have policies or practices in place dealing with volunteer drivers, requiring some degree of screening of drivers (e.g., to ensure valid driver's licences) and at least a visual inspection of vehicles.

Amendments to the Motor Vehicle Regulation that require the use of booster seats for children less than nine years old who are under 1.45 meters tall in passenger vehicles came into effect on July 1, 2008.

### 11.8 Child Abuse

The *Child, Family and Community Service Act* creates a duty to report child abuse. This duty to report overrides any claim of confidentiality or privilege (except solicitor-client privilege). It applies to everyone who has reason to believe that a child is in need of protection as defined in the Act.

Reports are made to designated child protection workers employed by the Ministry of Children and Family Development (MCFD), or to a First Nations child welfare office that has child protection services.

The duty to report was narrowed through amendments made in 2002 to more closely align to social workers powers to intervene. Formerly, the duty to report applied to situations where a child had been or was likely to be physically harmed, sexually abused, or sexually exploited by a parent or other person, as well as to other listed situations of neglect. The intention was to ensure that physical or sexual abuse outside the home was reported to Ministry of Child and Family Development (MCFD), even if there was no question of removing the child from the home. Since the 2002 amendments, the duty to report still applies to the listed neglect situations and also applies to physical harm, sexual abuse, and sexual exploitation by parents, but not by other persons unless the child's parent is unwilling or unable to protect the child. This eliminates the need to report such matters as "normal" schoolyard fights, but has caused confusion over the requirement to report such situations as suspected abuse by other family members or by members of the school community. Many boards of education have entered into local protocols with child protection offices to clarify roles and responsibilities so that school staff attempting to report suspected child abuse are not told that it is up to them to first speak to the parents to assess their willingness and ability to protect their children.

No legal action for damages (e.g., for defamation) can be brought for the making of a report under this Act unless the person making the report knows the information to be false. Knowingly reporting false information is an offence, punishable by a fine of up to \$10,000 and/or six months' imprisonment. If one is unsure whether to make a report, MCFD child protection workers will consult informally.

The government publication *The BC Handbook for Action on Child Abuse and Neglect*, published in 1998 by MCFD and updated in 2017, contains information for service providers such as boards of education on recognizing, reporting, investigating child abuse, support and intervention services, informationsharing and prevention. The Ministry of Education has also provided the pamphlet *Supporting Our Students*, which provides additional information on reporting child abuse. See also Guide: Appendix for summary of the *Child, Family and Community Service Act.* 

### 11.8 Video Surveillance

The School Act specifically authorizes boards to establish video surveillance systems in schools (School Act sections 8.2 and 74.01) for the purposes of protecting individuals' safety, personal belongings and school property, in schools and on school grounds. A board may only install a video surveillance camera at a school or on a school ground if the school parent advisory council approves. (This requirement does not apply to cameras that have been installed before the date the amendment comes into force.) The PAC has a right to be consulted on whether video surveillance cameras are installed in the school and on other school safety issues; an annual review is required of each installation.

# **12.0 School Assemblies**

# 12.1 Required Program for School Assemblies

Sections 5(10) and 5(11) of the School Regulation require every principal to arrange for school assemblies "to be conducted at appropriate times during the school year." The arrangements must provide for:

- at least three school assemblies a year, including the school day immediately preceding Remembrance Day;
- the singing of the Canadian national anthem.

This program, to be prepared by the principal, is subject to the approval of the board of education.

### 12.2 Flag Display

Section 5(10)(d) of the School Regulation requires the principal to "ensure that the Canadian flag and the British Columbia flag shall be displayed at each school while in session." At some schools this is done within the building rather than on an exterior flagpole.

# 13.0 Student/Parent Appeals

Any decision of a board employee that significantly affects a student's education, health or safety can be appealed to the board of education (section 11 *School Act*). A further appeal to a superintendent of appeals, a Ministry of Education official, may also be available (section 11.1-11.8, *School Act*). See Guide 20.21 for further discussion.