



**GUIDE TO**  
School Legislation  
in British Columbia

**PART X**  
**INDEPENDENT  
SCHOOLS**

**BCSTA**

British Columbia  
School Trustees  
Association

# GUIDE TO SCHOOL LEGISLATION IN BRITISH COLUMBIA

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# PART X

# INDEPENDENT SCHOOLS

This part of the Guide contains an overview of the *Independent School Act, Regulations and Orders*, and of the schools that are governed and in some cases funded through them. The purpose of Part X is to provide persons whose primary interest is the public school system with a factual background to independent schooling.

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## 100.0 Independent Schools in BC

An independent school in BC is a school that offers an educational program to 10 or more school-age students but does not include a public or provincial school, or a school that solely offers religious instruction, language instruction, social or cultural activities, or recreational or athletic activities. The inspector may also exclude schools from the definition (*Independent School Act* section 1 “independent school”).

There is no formal, provincial system of independent schools in British Columbia that might be compared, for example, to the separate public school systems in some provinces. Rather, in BC there is freedom to establish private schools but they must be classified in or operate under one of four classes under the *Independent School Act*, and provide operational and other data as required under the Act. The degree of provincial regulation, funding and entitlements varies between these classes, as reviewed below.

### Associations of Schools

Independently of government, many independent schools in BC have organized themselves into associations based on common philosophies and goals:

- First Nations Schools Association
- BC Accelerated Christian Education Association
- Catholic Independent Schools
- Seventh Day Adventist Schools

- Independent Schools Association – schools focusing on university preparation, some with boarding facilities
- Association of Christian Schools International – schools operated by local associations or churches;
- Protestant Society of Christian Schools – evangelical Protestant schools.

Other schools may not have an umbrella association, but many are members of the Associate Member Group of the Federation of Independent School Associations. These include Waldorf, Montessori, Jewish, Learning Difficulties and Seventh Day Adventist schools.

### FISA

The Federation of Independent School Associations (FISA) is the umbrella organization for most of the associations, which together educate approximately 92 per cent of the independent school enrollment in the province. FISA’s principal objective is to seek fair treatment for independent schools in BC in legislative and financial terms.

## 100.1 Administration of Act – the Inspector

The *Independent School Act* is administered on behalf of the minister of education by a Ministry of Education official called the “Inspector of Independent Schools” (section 2(1) *Independent School Act*). The inspector heads the ministry’s Independent Schools Branch, which is responsible for the inspection and evaluation of independent schools, so that the inspector may

issue or renew their appropriate certificates of group classification. This is usually done on the basis of a report from an external evaluation committee appointed by the inspector (section 3 *Independent School Act*). The inspector is also responsible for ensuring that all independent schools in BC hold and comply with a certificate of group classification, with the inspector being empowered to require reports and statements from schools (section 6 *Independent School Act*) and to seek court orders where necessary (sections 15-17 *Independent School Act*).

## 100.2 Basic Requirements

All independent schools in BC must have a certificate to operate. Legislative requirements that apply before a certificate may be issued in any category include:

- the school must not offer programs that in theory or in practice promote or foster doctrines of racial or ethnic superiority or persecution, religious intolerance or persecution, or sedition or social change through violent action;
- the school must have a principal (ISA section 8);
- school facilities must comply with all relevant provincial, municipal or regional district enactments (section 1 *Independent School Act* Schedule);
- the school must be operated in compliance with the ISA and its subordinate legislation;
- all staff working with children must consent to criminal records checks as required by the *Criminal Records Review Act*.

## 100.3 Schools Receiving Provincial Funding

The *Independent School Act* Schedule also contains additional requirements, the most stringent being those for the two categories that receive provincial funding – groups 1 and 2. These additional requirements are that:

- the school is operated by a non-profit authority;
- at least one-half of the students are “qualifying” or “partially qualifying” – their parents are Canadian citizens, landed immigrants or lawfully admitted to Canada, and are resident in BC, with the “qualifying” students enrolled

for most of the school year and the “partially qualifying” for part of the school year (only these students are provincially funded);

- the school has been in operation for at least a year;
- instructional facilities are adequate;
- at least 10 school-age students are enrolled in the current or previous year.

(Section 2 *Independent School Act* Schedule)

Group 1 and 2 certificates are granted for six years.

### 100.3.1 Group 1 Provincial Funding

To obtain group 1 classification and funding, the school must also have:

- an FTE (full-time equivalent) student cost no more than that in the local school district (exceptions may be permitted in circumstances beyond the school’s control);
- an educational program that meets with the minister of education’s requirements on time and content;
- an evaluation program that satisfies the inspector;
- participation in provincial academic assessment programs (e.g., FSA tests in Grades 4 and 7, Graduation Program examinations in Grades 10, 11, 12);
- all teachers certified;
- initial external evaluation, external evaluation every six years; inspection every two years.

(Section 3, *Independent School Act* Schedule, Minister’s Order 41/91.)

### Calculation of Group 1 Grants

The schools that apply and meet all of the group 1 requirements may receive grants calculated on the basis of 50 per cent of the local school district’s FTE student cost multiplied by the number of “qualifying” students and the FTE of “partially qualifying” students (sections 3, 4 *Independent School Act* Regulation).

## 100.3.2 Group 2 Provincial Funding

To obtain group 2 classification and funding, the school must, in addition to the basic requirements in Guide 100.2, and the additional requirements for funded schools in 100.3, meet all the extra requirements for group 1 schools specified in 100.3.1 above – except that the school’s FTE student cost may exceed that of the local school district (section 4 *Independent School Act* Schedule).

### Calculation of Group 2 Grants

The schools that apply and meet all group 2 requirements may receive provincial grants calculated on the basis of 35 per cent of the local school district’s FTE student cost multiplied by the number of “qualifying” students and the FTE of “partially qualifying” students (sections 3, 4 *Independent School Act* Regulation).

## 100.3.3 Special Education Funding

Group 1 and Group 2 schools can apply to the Office of the Inspector for special education grants based on enrolled students identified as Level 1, 2 or 3 special needs. The grants are for the same amounts as applicable to public schools.

## 100.4 Schools Not Funded by the Province

Over and above the basic requirements for all independent schools specified in Guide 100.2, there are additional requirements for those schools that either cannot qualify for provincial funding (for example, a majority of students are foreigners) or choose not to apply. Certificates for groups 3 and 4 are issued for two-year terms, so the schools must be evaluated every two years.

## 100.4.1 Group 3 Schools

To obtain group 3 classification, the school must be evaluated by the inspector of independent schools, and at least 50 per cent of the students must have parents who are Canadian citizens or landed immigrants and BC residents (section 5 *Independent School Act* Schedule). These are frequently schools that do not wish to comply with group 1 or 2 curriculum, teacher certification and evaluation requirements, nor to receive provincial funding.

## 100.4.2 Group 4 Schools

The additional requirements for group 4 schools are:

- an educational program that meets with the minister of education’s requirements on time and content;
- an evaluation program that meets provincial requirements, including participation in provincial assessment and examination programs;
- the teachers of the independent school are certified teachers, or if no certified teachers are available, are teachers who have qualifications established by the authority and teach for 20 or less consecutive days;
- an external evaluation every two years and an annual inspection;
- its instructional facilities are adequate;
- educational program, fees, accommodation and refund policies consistent with its advertising;
- bonding requirements are complied with.

(Section 6 *Independent School Act* Schedule and Minister’s Order 41/91.)

An incentive to comply with these requirements is the entitlement to call the school “certified by the Province of British Columbia” (see Guide 100.6 below). Most group 4 schools cater to foreign students.

## 100.5 Distributed Learning Schools

Independent schools can also operate distributed learning programs by agreement with the Ministry of Education (s.8.1 *Independent School Act*). Students can receive distributed learning programs and courses from both public and independent schools.

### 100.51 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. Boards and independent school authorities are required to provide each other with access to student information about such cross-enrolled students as necessary to fulfill obligations under the *School Act* or *Independent School Act* (section 6.1 *Independent School Act*).

## 100.6 Access to Resources

All BC independent schools are entitled to receive educational program guides from the province on the same basis as public schools, and group 1 and 2 schools are also entitled to receive education technology materials and services offered by the Special Education Technology Provincial Resource Program (section 9 *Independent School Act*, Educational Resource Materials Order, Educational Minister's Order 40/91).

## 100.7 Standards and Credentials

The Educational Standards Order, Minister's Order 41/91, sets out the provincial requirements applicable to schools in groups 1, 2 and 4 for hours of instruction, required areas of study, and graduation requirements.

Schools in groups 1, 2 and 4 may use in their publications the phrase "certified by the Province of British Columbia" and may receive provincial assessment and examination program results (all three groups are required to participate – see earlier).

## 100.8 The Independent School Teacher

Group 1, 2 and 4 schools are required to have all their teachers certified by the Director of Certification appointed under the *Teachers Act*.

The director may issue certification only to an independent school teacher following consultation with the Inspector of Independent Schools constituted by the minister of education, and the inspector may attach conditions to the certification. The inspector may also suspend or revoke such certification for cause (section 5 *Independent School Act*).

A independent school teaching certificate issued by the director is not valid for teaching in a public school – the *School Act* requires all public school teachers to hold certificates of qualification (see Guide 31.1). The director may also issue temporary letters of permission allowing an authority to use a person as a teacher for a specified time. The director may suspend or revoke letters of permission and certificates of qualification for cause. Any suspension or cancellation of a certificate by the director must be reported to each board of education and independent school authority, which may be by posting a notice on a website maintained by the director (section 7.4 *Independent School Act*).

In the hiring of staff, independent schools may grant preference to teachers whose religious affiliation matches that of the school, under the provisions of the *Human Rights Code* for special interests (*Human Rights Code* section 41, see Guide Appendix).

The principal of a school is responsible for reporting dismissals or discipline of certificate holders to the Teacher Regulation Branch. All dismissals or suspensions must be reported. Other discipline for misconduct must be reported if it involves physical harm to a student or minor, sexual abuse or sexual exploitation of a student or minor, or significant emotional harm to a student or minor. Resignations must be reported if it is in the public interest to do so. Failure to make such a report is an offence. The principal also has a duty to report any conduct or competence of a member that the principal considers to be in breach of the Teacher Regulation Branch's professional standards, if it is in the public interest to do so (section 7 *Independent School Act*, as amended in 2007).