

This Act is current to May 15, 2019

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

## **SCHOOL ACT**

### **[RSBC 1996] CHAPTER 412**

#### **Preamble**

WHEREAS it is the goal of a democratic society to ensure that all its members receive an education that enables them to become literate, personally fulfilled and publicly useful, thereby increasing the strength and contributions to the health and stability of that society;

AND WHEREAS the purpose of the British Columbia school system is to enable all 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;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

### **Part 1 — Interpretation**

#### **Definitions and interpretation**

In this Act:

- 1 (1)**
- "administrative directive"** means an administrative directive issued by the minister under section 168.03 or 168.04;
  - "annual budget"** means the budget for a fiscal year as adopted or amended by a board under section 113;
  - "annual facility expenditure"** means an expenditure with respect to a project that is financed from the board's annual facility grant;
  - "annual facility grant"** means a grant to a board under section 115.1;
  - "annual facility project"** means an undertaking to maintain or improve
    - a site, or
    - (a) a building
    - (b)

that is owned or leased by a board;

**"assessment"**, in Part 8, means assessment as defined in the [Assessment Act](#);

**"attend"** includes

(a) to be enrolled in an educational program that includes distributed learning, and

(b) to participate in an educational activity by means of distributed learning;

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

**"British Columbia Adult Graduation Diploma"** means the diploma that may be issued by the minister under section 168 (6) (b);

**"British Columbia Certificate of Graduation"** means the diploma that may be issued by the minister under section 168 (6) (a);

**"capital plan expenditure"** means a capital expenditure with respect to a project that is included in a board's capital plan bylaw, and includes a capital expenditure that was a capital plan expense under this Act, as it read immediately before this definition was enacted, and was included in a capital plan;

**"capital plan project"** means a project that is budgeted for as a capital plan expenditure;

**"capital project"** means an undertaking that requires capital expenditures to be incurred;

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

**"certificate holder"** means a person who holds a certificate of qualification;

**"certificate of qualification"** means a certificate of qualification as defined in the [Teachers Act](#);

**"certification standards"** means the certification standards as defined in section 1 of the [Teachers Act](#);

**"commissioner"** means the commissioner as defined in section 1 of the [Teachers Act](#);

**"community plan"** means,

(a) in respect of a municipality other than the City of Vancouver, an official community plan as defined in the [Local Government Act](#),  
or

(b) in respect of the City of Vancouver, an official development plan

as defined in section 559 of the *Vancouver Charter*;

**"debt service grant"** means a grant to pay the estimate, approved by the minister under section 110 (2), of a board's debt service expenses for the fiscal year;

**"designated service provider"** means a person designated by the minister under section 168 (2) (s.3);

**"directeur général"** means an individual appointed as the directeur général of a francophone education authority under section 166.27;

**"distributed learning"** means a method of instruction that relies primarily on indirect communication between students and teachers, including internet or other electronic-based delivery, teleconferencing or correspondence;

**"distributed learning school"** means a school or francophone school that offers instruction to its students by means of distributed learning only;

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

**"early learning program"** means a program for children who are less than school age, or whose enrolment in an educational program has been deferred under section 3 (2), that

(a) is designed to improve readiness for and success in kindergarten, and

(b) requires a child participating in the program to be accompanied and supervised by the child's parent or other person designated in writing by the parent;

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

(a) the board, in the case of learning activities provided by the board, the francophone education authority, in the case of learning activities provided by the francophone education authority,

(a.1) the minister, in the case of learning activities in a Provincial school, or

(b) the parent, in the case of learning activities provided to a child registered under section 13,

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;

**"election area"** means the trustee electoral area or other area for which an election under this Act or other local elections legislation is held;

**"elector"** means a resident elector or non-resident property elector;

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

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

**"eligible person"** means

- an eligible parent, or
- (a) an adult individual who, under section 23 of the *Canadian Charter of Rights and Freedoms*, would, if that individual had children,
- (b) *of Rights and Freedoms*, would, if that individual had children, have the right to have his or her children receive primary and secondary instruction in French in British Columbia;

**"employers' association"** means employers' association as defined in the *Public Education Labour Relations Act*;

**"first nation"** means a band, as defined under the *Indian Act* (Canada), including a participating First Nation, located in British Columbia;

**"First Nation land"** has the same meaning as in the *First Nations Jurisdiction over Education in British Columbia Act* (Canada);

**"First Nations Education Authority"** has the same meaning as in the *First Nations Jurisdiction over Education in British Columbia Act* (Canada);

**"fiscal year"**, in relation to a board or a company under Part 6.1, means the period beginning on July 1 and ending on the following June 30;

**"former Act"** means the *School Act*, R.S.B.C. 1979, c. 375, the *Education (Interim) Finance Act*, S.B.C. 1982, c. 2, or the *School District Housing Act*, R.S.B.C. 1979, c. 377, or a predecessor to any of those Acts;

**"francophone education authority"** means a francophone education authority established or continued under section 166.12;

**"francophone educational program"** means an educational program, including, without limitation, linguistic and cultural components, designed for eligible children but does not include a course provided in the French language as part of an educational program that is designed for children other than eligible children;

**"francophone school"** means

- a body of francophone students that is organized as a unit by a
- (a) francophone education authority for educational purposes under the supervision of a francophone principal, francophone vice

principal or francophone director of instruction,  
the francophone teachers and other staff members associated  
(b) with the unit, and

the facilities associated with the unit,  
(c)  
and includes a Provincial resource program and a distributed learning  
school operated by a francophone education authority;

**"francophone school district"** means an area prescribed under section 166.12 (1) (c) as the area over which a francophone education authority has jurisdiction;

**"francophone student"** means an eligible child or an immigrant child who is enrolled in a francophone educational program provided by a francophone education authority;

**"francophone teacher"** means a person holding a certificate of qualification who is employed by, or has a service contract with, a francophone education authority to provide francophone educational programs to francophone students in a francophone school, but does not include the directeur général of a francophone education authority, any assistant to that officer, a francophone principal, a francophone vice principal or a francophone director of instruction;

**"general school election"** means the elections referred to in section 35;

**"guardian"** means

- (a) a guardian within the meaning of the *Family Law Act*, or
- (b) a personal guardian within the meaning of the *Infants Act*;

**"immigrant"** means a person who

- (a) has been granted landing within the meaning of the *Immigration and Refugee Protection Act* (Canada),
- (b) has not become a Canadian citizen, and
- (c) has not, under the *Immigration and Refugee Protection Act* (Canada), ceased to be a permanent resident within the meaning of that Act;

**"immigrant child"** means a child who has an immigrant parent;

**"immigrant parent"** means an immigrant who, under section 23 of the *Canadian Charter of Rights and Freedoms*, would, if the person were a citizen of Canada, have the right to have his or her children receive primary and secondary instruction in French in British Columbia;

**"improvements"** means improvements as defined in the *Assessment Act*;

**"independent school"** means an independent school as defined in the *Independent School Act*;

**"Indian"** means an Indian as defined in the *Indian Act* (Canada);

**"joint capital project"** means a capital project that consists of a capital plan project and a local capital project;

**"land"** means land as defined in the *Assessment Act*;

**"literacy"** means the ability to understand and employ printed information in daily activities, at home, at work and in the community;

**"local capital expenditure"** means a capital expenditure with respect to a project that is

- financed from the board's local capital reserve, or
- (a) included in the annual budget of a board and financed from
- (b) local revenue,
  - (i) school referendum taxes, or
  - (ii) the board's operating grant or other grants designated by
  - (iii) the minister,

and includes a capital expenditure that was a local capital expense under this Act as it read immediately before this definition was enacted;

**"local capital project"** means an undertaking that is budgeted for as a local capital expenditure;

**"local revenue"** means all classes of revenue determined by the minister to be local revenue but does not include revenue from an operating grant or from school referendum taxes;

**"local trust area"** means a local trust area as defined in the *Islands Trust Act*;

**"local trust committee"** means a local trust committee as defined in the *Islands Trust Act*;

**"minister of finance"** means the minister responsible for the *Financial Administration Act*;

**"minister of revenue"** means the minister responsible for the *Income Tax Act*;

**"ministry"** means the ministry continued under section 167 (1);

**"municipal school district"** means a school district in which a municipality or portion of a municipality is located;

**"newspaper"** means, in relation to a matter for which publication in a newspaper is required under this Act, a publication or local periodical that

- (a) contains items of news and advertising, and  
is distributed at least weekly in the area that is affected by the
- (b) matter;

**"non-resident property elector"** means, in relation to a trustee electoral area, a person who at the relevant time meets the qualifications under section 41 in relation to the trustee electoral area;

**"occupier"** means an occupier as defined in the [Assessment Act](#);

**"operating grant"** means a grant to a board or francophone education authority as determined under section 106.3;

**"owner"** means,

- (a) with respect to real property in a municipality, an owner as defined in the [Community Charter](#), and
- (b) with respect to real property in a rural area, an owner as defined in the [Assessment Act](#);

**"parent"** means, in respect of a student or of a child registered under section 13,

- (a) a parent or other person who has guardianship or custody of the student or child, other than a parent or person who, under an agreement or order made under the [Family Law Act](#) that allocates parental responsibilities, does not have parental responsibilities in relation to the student's or child's education, or
- (b) a person who usually has the care and control of the student or child;

**"parents' advisory council"** means, in relation to a school, the parents' advisory council established for that school under section 8;

**"participating First Nation"** has the same meaning as in the [First Nations Jurisdiction over Education in British Columbia Act](#) (Canada);

**"Provincial funding"** means the amount of Provincial funding established for a fiscal year under section 106.2;

**"Provincial resource program"** means a program established by order of the minister and operated by a board or a francophone education authority;

**"Provincial school"** means

- (a) a body of students organized as a unit for educational purposes at an educational institution that is
  - directly operated and maintained by the minister, and
  - (i) under the supervision of a principal,
  - (ii)

(b) the staff members associated with the unit, and

the facilities associated with the unit;

(c)

**"resident elector"** means, in relation to a trustee electoral area, a person who, at the relevant time, meets the qualifications under section 40 in relation to the trustee electoral area;

**"residential"**, with respect to land and improvements, means residential within the meaning of the regulations under the *Assessment Act*;

**"rural area"** means that part of a school district not within the boundaries of a municipality;

**"rural school district"** means a school district no part of which is in a municipality;

**"school"** means

(a) a body of students that is organized as a unit for educational purposes under the supervision of a principal, vice principal or director of instruction,

(b) the teachers and other staff members associated with the unit, and

the facilities associated with the unit,

(c)

and includes a Provincial resource program and a distributed learning school operated by a board;

**"school age"** means the age between the date on which a person is permitted under section 3 (1) to enrol in an educational program provided by a board and the end of the school year in which the person reaches the age of 19 years;

**"school district"** means an area created or constituted as a school district under this Act or a former Act;

**"school referendum tax"** means a tax to raise money approved by a referendum under section 112;

**"school tax"** means a tax under this Act other than a school referendum tax;

**"school year"** means the period beginning on July 1 and ending on the following June 30;

**"secrétaire trésorier"** means an individual appointed as the secrétaire trésorier of a francophone education authority under section 166.27;

**"standard educational program"** means an educational program described in section 82 (1) and (2.1), including

(a) an educational program provided in a language other than English



under section 5 (2) or (3), and  
an educational program provided according to the terms of an  
(b) individual education plan;

**"student"** means a person enrolled in an educational program provided by a board and, if a section or subsection refers to a Provincial school, includes a person enrolled in the Provincial school for the purposes of that section or subsection;

**"student record"** means a record of information in written or electronic form pertaining to

- a student or francophone student, or
- (a) a child registered under section 13 with a school or francophone
- (b) school,

but does not include

- a record prepared by a person if that person is the only person
- (c) with access to the record, or
- a record of a report under section 14 (1) or 16 (3) (b) of the
- (d) *Child, Family and Community Service Act* or of information that forms the basis for a report under section 14 (1) of that Act;

**"superintendent of appeals"** means the person designated or appointed by the minister under section 11.1 (0.1);

**"supervise"**, in the context of a teacher or francophone teacher providing an educational program or francophone educational program by means of distributed learning, means to supervise the student's progress through the educational program;

**"teacher"** means a person holding a certificate of qualification who is employed by a board to provide an educational program to students in a school, but does not include a person appointed by a board as superintendent of schools, assistant superintendent of schools, principal, vice principal or director of instruction;

**"teachers' union"** means a teachers' union or the Provincial union as defined in the *Public Education Labour Relations Act*;

**"trustee"** means a member of a board;

**"trustee election"** means an election for one or more trustees for a trustee electoral area;

**"trustee electoral area"** means the area from which one or more trustees are to be elected, as established under this or a former Act.

A child who is registered under section 13 is deemed not to be enrolled in  
(2)

an educational program provided by a board or a francophone education authority.

- (3) In the context of a distributed learning school, a reference to available space and facilities is to be read as a reference to the capacity of the school to deliver an educational program.

- (4) For the purposes of this Act, a student is enrolled in an educational program provided by a board, or a francophone educational program provided by a francophone education authority, even if the student receives only a part of his or her educational program or francophone educational program from that board or francophone education authority.

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