

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

Part 2 – Students and Parents

Division 1 – Students

Access to educational program

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

Entry to educational program

- Subject to subsections (2) and (3), a person who is resident in British
- 3** (1) Columbia must
- enrol in an educational program
 - (a) provided by a board,
 - (i) in the case of an eligible child, provided by a board or a
 - (ii) francophone education authority, and
 - in the case of an immigrant child, provided by a board or, if
 - (iii) the child is permitted to enrol with a francophone education authority under section 166.24, provided by that

francophone education authority,

on the first school day of a school year if, on or before December 31 of that school year, the person will have reached the age of 5 years, and

- (b) participate in an educational program provided by a board or, in the case of an eligible child or an immigrant child, by a board or a francophone education authority until he or she reaches the age of 16 years.

- (2) A parent of a child referred to in subsection (1) (a) may defer the enrolment of his or her child until the first school day of the next school year.

- (3) This section does not apply if the person

- (a) is attending one of the following:
- (i) an independent school;
 - (ii) a Provincial school;
 - (iii) an educational institution operated by the government of Canada or by a first nation or a Community Education Authority established by one or more participating First Nations under the *First Nations Jurisdiction over Education in British Columbia Act* (Canada),
- (b) is registered under section 13, or
- (c) is participating in a kindergarten to grade 12 program of studies provided by a treaty first nation under its own laws.

Enrolment – distributed learning

- 3.1** (1) A student who is enrolled in an educational program provided by a board or a francophone student who is enrolled in a francophone educational program provided by a francophone education authority may, subject to section 2 (2), enrol in one or more

- (a) educational programs offered by another board or by an authority under the *Independent School Act*, or
- (b) francophone educational programs offered by another francophone education authority

if at least one of the educational programs or francophone educational programs, as applicable, is delivered, in whole or in part, through distributed learning.

- (2) Despite subsection (1), a student does not acquire a right under this section to enrol with a francophone education authority if the student is not otherwise entitled or permitted under this Act to enrol with a

francophone education authority.

Consultation

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

Language of instruction

- Every student is entitled to receive an educational program that is
- 5 (1) provided in the English language.
- Students whose parents have the right under section 23 of the *Canadian*
- (2) *Charter of Rights and Freedoms* to have their children receive instruction in a language other than English are entitled to receive that instruction.
- Subject to the approval of the minister, a board may permit an educational
- (3) program to be provided in a language other than as provided under subsections (1) and (2).
- The Lieutenant Governor in Council may make regulations
- (4) respecting the provision of educational programs in languages
- (a) other than English,
- to give effect to section 23 of the *Canadian Charter of Rights and*
- (b) *Freedoms*, and
- determining the manner in which a power, duty or function of a
- (c) board may be performed or exercised under this Act with respect to students referred to in subsection (2).
- For the purposes of subsection (4), the Lieutenant Governor in Council may
- (5) make different regulations for different circumstances.

Duties of students

- A student must comply
- 6 (1) with the school rules authorized by the principal of the school or
- (a) Provincial school attended by the student, and
- with the code of conduct and other rules and policies of the board
- (b) or the Provincial school.
- A student attending a school or a Provincial school must participate in an
- (2) educational program as directed by the board or by the principal of the Provincial school.

Division 2 — Parents

Parents' entitlements and responsibilities

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

- (a) to be informed, in accordance with the orders of the minister, of the student's attendance, behaviour and progress in school, and
[Repealed 2015-24-5.]
- (b) to belong to a parents' advisory council established under
- (c) section 8.

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

Parent volunteers

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

Parents' advisory council

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

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

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

- (4) A parents' advisory council, through its elected officers, may advise the board and the principal and staff of the school or the Provincial school respecting any matter relating to the school or the Provincial school.

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

the dissolution of the parents' advisory council, and

- (a) [Repealed 2015-24-6.]
- (b) the election of a member to represent the parents' advisory
- (c) council on the district parents' advisory council.

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

Repealed

[Repealed 2015-24-7.]

8.1

Repealed

[Repealed 2015-24-7.]

8.2

School plan

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

- (2) A board must make a school plan approved under subsection (1) available to the parents of students attending that school.

District parents' advisory council

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

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

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

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

Purpose and operation of district parents' advisory council

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

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

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

Division 3 — Joint Rights and Duties

Examination of student records

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

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

Liability for damage to property

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

Appeals

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

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

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

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

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

- (6) A board may make any decision that it considers appropriate in respect of the matter that is appealed to it under this section and, subject to section 11.1 (1), the decision of the board is final.

- (7) A board must
- (a) make a decision under this section within 45 days of the date on which the board receives the appeal, and
 - (b) promptly report that decision to the person making the appeal.

Appeal to superintendent of appeals

- 11.1** (0.1) The minister may
- (a) designate an individual appointed under the *Public Service Act*, or
 - (b) appoint, by order, an individual who is not appointed under the *Public Service Act*

as a superintendent of appeals to hear an appeal under this section.

- (0.2) The *Public Service Act* and the *Public Service Labour Relations Act* do not apply to an individual appointed under subsection (0.1) (b).

- Subject to the regulations, a decision of a board made under section 11 (1) (6) or a reconsideration by a board under section 11.5 may be appealed to a superintendent of appeals.

- An appeal under this section is a new hearing.
- (2) An appeal under this section does not suspend the operation of a decision (3) under appeal unless the superintendent of appeals otherwise orders under section 11.3.

Superintendent of appeals

- On receipt of an appeal under section 11.1, a superintendent of appeals (1) may

- (a) refer the matter for mediation or adjudication, to a mediator or adjudicator under contract with the minister or a person designated by the minister, or
- (b) summarily dismiss all or part of the appeal.
- (2) A superintendent of appeals must exercise the discretion under subsection (1) in accordance with guidelines established by the minister.

- (3) If a superintendent of appeals has referred a matter for mediation, the superintendent of appeals may refer the matter to an adjudicator for determination if

- (a) mediation is unsuccessful in bringing about agreement between the parties, or
- (b) a party so requests.
- (4) A superintendent of appeals may, subject to the orders of the minister, establish practices and procedures for the purposes of subsection (1).

Board decision may be suspended

- (1) A person who files an appeal under section 11.1 may request the superintendent of appeals to suspend the operation of the decision under appeal.

- (2) The superintendent of appeals may, on his or her own initiative or at the request of a person under subsection (1), suspend the decision for the period and on the conditions the superintendent of appeals considers to be appropriate.

Adjudication of appeals

- (1) On receipt of an appeal referred by a superintendent of appeals under

section 11.2, an adjudicator may

- confirm, vary or revoke the decision under appeal,
- (a) refer the matter back to the board for reconsideration, with or
- (b) without directions, or
- dismiss all or part of the appeal.
- (c)

In adjudicating an appeal under subsection (1), an adjudicator must not

(2) make a decision that would result in a board being in breach of section 76.1 (2.1) or (2.4).

An adjudicator may, subject to the orders of the minister, establish

(3) practices and procedures for the hearing of an appeal.

Reconsideration by board

If an adjudicator refers a matter back to a board under section 11.4 (1) (b),

11.5 the adjudicator may

- request that the board review specific issues in its
- (a) reconsideration, and
- require the board to complete its reconsideration by a certain
- (b) date.

Decision final

A decision of a superintendent of appeals under section 11.2 (1) (b), or of an

11.6 adjudicator under section 11.4 (1), is final and binding on the parties.

Application of the *Administrative Tribunals Act*

The following provisions of the *Administrative Tribunals Act* apply to a

11.7 superintendent of appeals and adjudicator for the purposes of an appeal under section 11.1 of this Act as if the superintendent of appeals or adjudicator were a tribunal under the *Administrative Tribunals Act*:

- section 29 *[disclosure protection]*;
- (a) section 31 *[summary dismissal]*;
- (b) section 34 (3) and (4) *[power to compel witnesses and order*
- (c) *disclosure]*;
- section 36 *[form of hearing of application]*;
- (d) section 38 *[examination of witnesses]*;
- (e) section 44 *[tribunal without jurisdiction over constitutional*
- (f) *questions]*;
- section 45 *[tribunal without jurisdiction over Canadian Charter of*
- (g) *Rights and Freedoms]*;

- (g.1) section 46.3 [*tribunal without jurisdiction to apply the Human Rights Code*];
- section 58 [*standard of review if tribunal's enabling Act has*
- (h) *privative clause*];
- section 61 [*application of Freedom of Information and Protection*
- (i) *of Privacy Act*].

Immunity protection for superintendent of appeals, mediator or adjudicator

- 11.8** Section 56 of the *Administrative Tribunals Act* applies to a superintendent of appeals, mediator or adjudicator for the purposes of an appeal under section 11.1 of this Act as if the superintendent, mediator or adjudicator were a tribunal under the *Administrative Tribunals Act*.

Division 4 – Home Education

Home education

- 12** A parent of a child who is required to enrol in an educational program under section 3
- (a) may educate the child at home or elsewhere in accordance with this Division, and
 - (b) must provide that child with an educational program.

Registration

- 13** (1) A parent of a child who is required under section 12 to provide the child with an educational program must register the child on or before September 30 in each year with
- (a) a school of the parent's choice that is operating in British Columbia,
 - (a.1) if the child is an eligible child, a school referred to in paragraph (a) or (c), or a francophone school of the parent's choice that is operating in the francophone school district in which the parent resides,
 - (a.2) if the child is an immigrant child, a school referred to in paragraph (a) or (c), or a francophone school of the parent's choice that is operating in the francophone school district in which the parent resides but only if the francophone education authority responsible for that school permits the parent to register that child, or
 - [Repealed 2006-21-8.]
 - (b) an independent school operating in British Columbia.
 - (c)

- (2) If, in accordance with subsection (1), a parent is entitled to register his or her child with a school or, in the case of an eligible child or immigrant child, with a francophone school,
- the board that has jurisdiction over the school must ensure that
 - (a) the principal, vice principal or director of instruction responsible for that school registers the child, or
 - the francophone education authority that has jurisdiction over the
 - (b) francophone school must ensure that the francophone principal, francophone vice principal or francophone director of instruction of that francophone school registers the child.
- A school or francophone school that registers a child under this section
- (3) must provide the child with access to educational services in accordance with the regulations.
- A person who contravenes subsection (1) commits an offence.
- (4)

Power to report

- 14** (1) A person who believes that a child who is required to be registered under section 13 is not so registered may report that belief to the superintendent of schools for the school district in which that child resides.
- (1.1) A person who believes that a child who is being educated in accordance with section 12 is not receiving an educational program may report that belief
- (a) in the case of a child registered under section 13 with a francophone school, to the directeur général of the francophone education authority for the francophone school district in which that child resides, and
 - (b) in the case of a child registered under section 13 with a school, an independent school or the minister, to the superintendent of schools for the school district in which that child resides.
- (2) On receipt of a report under this section, the superintendent or directeur général must take such action as is required by the orders of the minister.
- (3) No action lies against
- (a) a person making a report under subsection (1) or (1.1), or
 - (b) the superintendent or directeur général in respect of an action taken under subsection (2)
- unless the report is made or the action is taken maliciously.

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