

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 9 – General

Division 1 – Ministry of Education

Ministry of Education

- There must continue to be a ministry of the public service of British Columbia called the Ministry of Education over which the minister must continue to preside and have direction.
- 167** (1)

- A deputy minister and other employees required to conduct the business of the ministry may be appointed under the [Public Service Act](#).
- (2)

Jurisdiction of minister

- The minister, subject to this Act and the regulations,
- 168** (1)
- (a) has charge of the maintenance and management of all Provincial schools established under this Act,
 - (b) must advise the Lieutenant Governor in Council on all matters relating to education in British Columbia,
 - (c) may designate a member of the public service to act on behalf of the minister, and
 - (d) may charge fees with respect to any goods or services provided by the minister or the ministry, and may establish different fees for different circumstances.

- The minister may make orders for the purpose of carrying out any of the minister's powers, duties or functions under this Act and, without restriction, may make orders
- (2)
- (a) governing the provision of educational programs, subject to subsection (5), determining the general requirements
 - (b) for graduation from an educational program,

- (c) determining the general nature of educational programs for use in schools and francophone schools and specifying educational program guides,
- preparing a process for the assessment of the effectiveness of
- (d) educational programs and requiring a board or a francophone education authority to cause its schools to participate in the process for the purpose of comparison to provincial, national and international standards,
- preparing a process for measuring individual student
- (d.1) performance, and requiring a board or a francophone education authority to cause its schools to participate in the process for the purpose of assessing the effectiveness of educational programs,
- governing educational resource materials in support of educational
- (e) programs,
- establishing and causing to be operated Provincial resource
- (f) programs and Provincial schools in British Columbia,
- requiring a board to close a school if the number of students
- (g) attending the school falls below 8,
- requiring a francophone education authority to close a
- (g.1) francophone school if the number of francophone students falls below 8,
- respecting distributed learning educational programs,
- (h) establishing committees and authorizing the payment of expenses
- (i) to the members of the committees and other advisory bodies established under this Act,
- governing fees that may be charged by a board or a francophone
- (j) education authority, and those fees may be different for different circumstances,
- designating an educational activity or a category of educational
- (j.1) activities for the purposes of section 168.1,
- establishing, for the purposes of section 168.1, the amount a
- (j.2) student or a child registered under section 13 may be reimbursed, including
 - setting the maximum amount that may be paid,
 - (i) establishing a limit on the number of educational activities
 - (ii) or categories of educational activities for which reimbursement may be made, and
 - setting different amounts and different limits for different
 - (iii) educational activities or different categories of educational activities,

- (k) respecting the use of student records, and records referred to in paragraph (d) of the definition of "student record", by boards and francophone education authorities,
- (k.1) respecting the circumstances in which persons other than students and francophone students and their parents, and employees of boards and francophone education authorities, must have access to student records,
- (l) establishing policies and procedures that are to be followed by boards and francophone education authorities in a tendering process related to a capital expenditure by the board or francophone education authority,
- [Repealed 2012-17-12.]
- (m) respecting the appointment of auditors under section 158 (1) or,
- (n) in the case of francophone education authorities, under section 166.37,
- (o) respecting accounting, accounting records and financial reports and statements referred to in sections 156 (1), 157 (2) and 157.1,
- (p) respecting the opening and closing of schools under section 73 (1)
 - (a),
 - (q) respecting a board assisting in paying the cost of a person attending an educational institution outside of British Columbia under section 83 (b),
- [Repealed 2015-24-30.]
- (r) respecting the appointment, remuneration and duties of a special
- (s) advisor or special advisory committee,
- (s.1) establishing Provincial standards for a code of conduct required under section 85 (1.1),
- (s.2) varying the dates in section 168.2 (3),
- (s.3) for the purpose of section 86 (6), designating one or more persons, including a board, who provide procurement, managerial, administrative or other services as a designated service provider, specifying the service with respect to which a person is a designated service provider and specifying one or more boards with respect to which a person is a designated service provider, and
- (t) that the minister otherwise considers advisable to effectively administer this Act or the regulations.

(2.1) An order made under subsection (2) (d.1) may provide for the reporting of

student performance, on an individual or aggregate basis, to a board or francophone education authority so that it may assess the effectiveness of the educational programs it delivers.

- An order made under subsection (2) (s.3) may
- (2.2) establish different classes of boards, designated service providers
 (a) and services, and
 make different provisions for a board, designated service provider
 (b) or service or a class established under paragraph (a).

- The minister, or with the approval of the minister, a board or a
 (3) francophone education authority, may enter into an agreement with a school authority outside British Columbia for the education of children for whose education that school authority is responsible.

- The minister may grant an approval or authorization under this Act with or
 (4) without conditions.

- The minister may, with the minister responsible for public post-secondary
 (5) institutions, establish the requirements for obtaining the British Columbia Adult Graduation Diploma.

- The minister may issue the following:
- (6) a British Columbia Certificate of Graduation to
 (a) a student who is enrolled at a school, francophone school or
 (i) Provincial school, if the student has met the general requirements for graduation established by order of the minister, or
 a non-resident person whose study outside British Columbia
 (ii) is under or related to an agreement entered into by the minister under subsection (3) with a school authority responsible for the education of the person, if the person has met the general requirements for graduation established by order of the minister;
- a British Columbia Adult Graduation Diploma to a person who
 (b) meets the requirements established under subsection (5);
- a British Columbia Certificate of Graduation or a British Columbia
 (c) Adult Graduation Diploma to a person who is engaged in a program of studies at an educational institution operated on First Nation land by a participating 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), if the minister is satisfied that the person
 ... has completed a program of studies at the grade 12 level at

- the educational institution, and
- has achieved learning outcomes substantially similar to the
- (ii) learning outcomes necessary to meet the general requirements for graduation established by order of the minister.

(6.1) At the request of an educational institution operated by a treaty first nation under its own laws, or of the treaty first nation, the minister may issue a British Columbia Certificate of Graduation to a student of the educational institution, if the minister is satisfied that the student has

- (a) completed a program of studies at the grade 12 level at that educational institution, and
- achieved learning outcomes substantially similar to the learning
- (b) outcomes necessary to meet the general requirements for graduation established by order of the minister.

Minister's regulations — class size and composition

The minister may make regulations as follows:

168.01

- prescribing categories of classes for the purposes of section 76.1
- (a) (2.1) (b) and (2.4);
- respecting compensation to be provided under section 76.1 (2.2),
- (b) including, without limitation, regulations
 - prescribing categories of teachers for the purposes of
 - (i) section 76.1 (2.3), and
 - respecting
 - (ii) the timing of the provision of compensation,
 - (A) the amount of compensation, and
 - (B) the form of compensation, including a form other than
 - (C) money;
- prescribing class size limits of fewer than 30 students for the
- (c) purposes of section 76.1 (2.4);
- requiring boards to prepare, submit to the minister and make
- (d) publicly available, in the form and manner specified by the minister, reports respecting class size for each school district and each school within the district;
- defining terms used in section 76.1 of the Act for the purposes of
- (e) that section or of a regulation under paragraphs (a), (b) or (c) of this section;
- respecting the provision of grants under section 115.2, including,
- (f) without limitation, regulations respecting
 - consultations a board must ensure are carried out before

- requesting a grant,
- a spending plan a board must submit on request for a
- (ii) grant, and
- uses to which a board must expend grants received.
- (iii)

Minister's regulations — school calendars

168.02 (1) The minister may make regulations respecting school calendars for the purposes of Division 2.1 of Part 6, including, without limitation, regulations as follows:

- respecting the preparation of a school calendar;
- (a) respecting the form of a school calendar;
- (b) establishing procedures, including respecting the preparation or
- (c) amendment of a school calendar and respecting consultation for the purposes of section 87.01 (7);
- prescribing information required to be set out in a school
- (d) calendar;
- prescribing the minimum number of hours of instruction that a
- (e) board must offer to students enrolled in the schools in its school district, including prescribing that there is no minimum number of hours of instruction for prescribed classes of students, schools or educational programs;
- prescribing the minimum number of hours that the principal, vice
- (f) principals, directors of instruction and teachers of a distributed learning school, or of an educational program delivered through distributed learning, must be available for instruction;
- varying the times referred to in Division 2.1 of Part 6;
- (g) designating one or more non-instructional days or
- (h) non-instructional periods, if any, scheduled by a board to be used for a specific purpose.

In making a regulation under subsection (1), the minister may make

(2) different regulations for

- different classes of persons or different circumstances, places,
- (a) things, grades of students and groups of students in a school, or
- students enrolled in a distributed learning school and students
- (b) enrolled in an educational program, any part of which is delivered by means of distributed learning.

Administrative directives

The minister may, by order, issue an administrative directive to a board if

168.03 (1) the minister believes

the board is failing or has failed to meet its obligations under the
 (a) Act, or

it is in the public interest to do so.

(b) A board that is subject to an administrative directive under subsection (1)
 (2) may exercise its powers under this or any other Act only in accordance
 with the terms and conditions of the administrative directive.

(3) During the period of time that a board is subject to an administrative
 directive, the board may be exempted from the application of any or all of
 the following:

(a) a regulation of the Lieutenant Governor in Council under this Act,
 by order of the Lieutenant Governor in Council;

(b) a regulation of the minister, by order of the minister;
 a ministerial order, by the administrative directive.

(c) Failure of a board to comply with an administrative directive under
 (4) subsection (1) is grounds for the appointment of an official trustee.

Administrative directives – projects

168.04 (1) The minister may, by order, issue an administrative directive to a board to
 enable the board to participate in or undertake a project in respect of the
 improvement of student performance or another matter specified by the
 minister.

(2) During the period of time that a board is subject to an administrative
 directive, the board may be exempted from the application of any or all of
 the following:

(a) a regulation of the Lieutenant Governor in Council under this Act,
 by order of the Lieutenant Governor in Council;

(b) a regulation of the minister, by order of the minister;
 a ministerial order, by the administrative directive.

(c)

Reimbursement of expenses for designated educational activities

168.1 The minister may reimburse a student or a child registered under section 13
 for expenses incurred for instruction, examination or certification with respect
 to an educational activity or a category of educational activities designated by
 the minister, in the amount established by the minister, if the student or child

is of school age,

(a) is resident in British Columbia, within the meaning of section 82

(b) (2), and

(c) demonstrates a standard of achievement, satisfactory to the
 minister, in the designated educational activity or category of

educational activities.

Annual practice fee

In this section, "**fee**" means the annual practice fee, prescribed under the

168.2 (1) *Teachers Act*, for a certificate of qualification.

(2) Subject to subsection (4), a board must deduct once a year, from the wage of a certificate holder employed with the board, an amount that is equal to the fee.

(3) Subject to subsection (4), on or before May 15 each year, a board must

(a) remit to the government the fee in respect of each certificate holder employed by the board on April 30, and

(b) provide the minister with the name of each certificate holder for whom the board has remitted the fee to the government.

(4) The board must not

(a) deduct the fee from a certificate holder's wage, and

(b) remit the fee in respect of the certificate holder

if another board or an authority as defined in the *Independent School Act* remits the fee to the government for that certificate holder.

Annual report and ministerial statement

The minister must make annually a report on the state of education in

169 (1) British Columbia including the effectiveness of educational programs.

(2) An annual report made under this section must be laid before the Legislature by the minister during the session next following the end of the year for which the report is made.

(3) Subject to the approval of the Lieutenant Governor in Council, the minister must from time to time issue a statement of education policy for British Columbia.

Student personal information

A public body as defined in the *Freedom of Information and Protection of Privacy Act* must not disclose any personal information contained in a student record except for one of the following purposes:

170 (1) *Privacy Act* must not disclose any personal information contained in a student record except for one of the following purposes:

(a) a purpose authorized under the *Freedom of Information and Protection of Privacy Act*;

(b) to ensure efficient and effective use of grants paid under sections 114 and 115 of this Act and under sections 12 and 13 of the *Independent School Act*;

(c) to evaluate the effectiveness of boards, francophone education

authorities and authorities governed by the *Independent School Act* and the programs, courses and curricula delivered by them.

- For the purposes of this section, "**student record**" includes a student
(2) record under the *Independent School Act*.

Personal education numbers

- In this section, "**personal education number**" means a unique
170.1 (1) identification number assigned to a person under subsection (2).

- The minister may assign a personal education number to the following
(2) persons:

- a student;
- (a) a francophone student;
- (b) a child registered under section 13;
- (c) a student as defined in the *Independent School Act*;
- (d) a child participating in an early learning program;
- (e) at the request of a first nation or a Community Education
- (f) Authority established by one or more participating First Nations under the *First Nations Jurisdiction over Education in British Columbia Act* (Canada), a person who is engaged in a program of studies at an educational institution operated by the first nation or Community Education Authority;
- a person
- (g) who is not resident in British Columbia, and
 - (i) whose study outside British Columbia is under or related to
 - (ii) an agreement entered into by the minister under section 168 (3) with a school authority that is responsible for the education of the person;
- at the request of an educational institution operated by a treaty
- (h) first nation under its own laws, or of the treaty first nation, a person participating in a kindergarten to grade 12 program of studies provided by the treaty first nation under its own laws.

- [Repealed 2015-24-35.]
(3)

Public post-secondary students

- In this section:
170.2 (1) "**personal education number**" means a unique identification number for a student assigned or identified under subsection (2);
"**public post-secondary institution**" means an institution established or

continued under one of the following Acts:

- the *College and Institute Act*;
- (a) [Repealed 2004-33-30.]
- (b) [Repealed 2015-24-36.]
- (c) the *Royal Roads University Act*;
- (d) the *Thompson Rivers University Act*;
- (d.1) [Repealed 2002-35-13.]
- (e) the *University Act*;
- (f) [Repealed 2007-16-24.]
- (g)

"student" means a person who is, or is applying to be, a student of a public post-secondary institution.

If the minister receives from the board of a public post-secondary institution the personal information the minister considers necessary with respect to a student, the minister must

- assign a personal education number to the student or identify a
 - (a) personal education number previously assigned to the student under this Act, and
 - provide the personal education number to the board of that public
 - (b) post-secondary institution.

The minister must provide to the minister responsible for public post-secondary institutions the personal information about a student that is in the possession of the minister if the minister responsible for public post-secondary institutions requests that information and provides the minister with a valid personal education number for that student.

The personal information of a student obtained by the minister under

- (4) section 41.1 (5) of the *College and Institute Act*,
- (a) section 70.1 (2) of the *University Act*, as it applies under section
- (b) 16 of the *Royal Roads University Act*,
- section 70.1 (2) of the *University Act*, or
- (c) section 70.1 (2) of the *University Act*, as it applies under section
- (d) 4 of the *Thompson Rivers University Act*

may be used only for the following purposes:

- evaluating the effectiveness of boards, francophone education
 - (e) authorities and authorities governed by the *Independent School Act* and the programs, courses and curricula delivered by them;
 - conducting research and statistical analysis as authorized under
 - (f)

the *Freedom of Information and Protection of Privacy Act*.

(5) The personal information of a student obtained under this section by the minister responsible for public post-secondary institutions may be used only for the following purposes:

- (a) conducting research and statistical analysis relating to students, including research and analysis as authorized under the *Freedom of Information and Protection of Privacy Act*;
- (b) delivering a common or integrated program or activity within the meaning of section 33.2 (d) of the *Freedom of Information and Protection of Privacy Act*;
- (c) facilitating the administration of the BC Student Assistance Program by the minister responsible for the program;
- (d) conducting research and statistical analysis related to the BC Student Assistance Program;
- (e) evaluating the effectiveness of the BC Student Assistance Program.

Not in force

[Not in force.]

170.3

Student financial assistance

In this section:

170.4 (1) "financial assistance" has the same meaning as in the *Canada Student Financial Assistance Regulations*, and includes any form of financial assistance provided under

- (a) the BC Student Assistance Program,
- (b) the *Canada Student Financial Assistance Act*, and
- (c) the *Canada Student Loans Act*;

"personal education number" means a unique identification number for a recipient assigned or identified under subsection (2);

"program" means the BC Student Assistance Program;

"recipient" means a person who is, or is applying to receive, financial assistance administered by the program.

(2) If the minister receives from the minister responsible for the administration of the program the personal information the minister considers necessary with respect to a recipient, the minister must

- (a) assign a personal education number to the recipient or identify a personal education number previously assigned to the recipient

- under section 170.1, and
- provide the personal education number to the minister
- (b) responsible for the administration of the program.

- (3) The minister must provide to the minister responsible for the program the personal information about a recipient that is in the possession of the minister if the minister responsible for the program requests that information and provides the minister with a valid personal education number for the recipient.

- (4) The personal information of a recipient obtained under this section may be used by the minister responsible for the administration of the program only for the following purposes:

- administering the program;
- (a) conducting research and statistical analysis related to the
- (b) program;
- evaluating the effectiveness of the program.
- (c)

Repealed

[Repealed 2015-24-37.]

170.5

Division 2 — Education Advisory Council

Education advisory council

- 171 (1) The minister may appoint one or more education advisory councils to advise the minister on policy matters respecting education.

- (2) The members of an education advisory council must be appointed for the term and in the manner determined by the minister.

- (3) The minister may determine how frequently an education advisory council meets.

- (4) If a member of an education advisory council is not an individual, the member must appoint an individual to represent the member at meetings of the council.

- (5) The Lieutenant Governor must prescribe the terms of reference of an education advisory council.

Division 2.1 — Special Advisor and Special Advisory Committee

Appointment of special advisor or special advisory committee

- 171.1 (1) The minister, by order, may appoint a special advisor or a special advisory committee to one or more school districts, for a term determined by the minister,

- (a) to review the progress of the board or boards in respect of the improvement of student performance or to inspect and evaluate any other matters as directed by the minister,
 - to assist the board or boards in the conduct of the affairs of the
 - (b) school district or school districts in respect of any educational, financial or community matters, or
 - if the minister considers that
 - (c)
 - a superintendent of schools has failed to report to the
 - (i) commissioner a matter that, in the opinion of the minister, should have been reported under section 16,
 - a board has failed to notify a superintendent of schools of a
 - (ii) matter that, in the opinion of the minister, should have been the subject of a notice under section 16 (3),
 - a board has failed to report to the commissioner a matter
 - (iii) that, in the opinion of the minister, should have been reported under section 16.1, or
 - a board has failed to submit to the director of certification
 - (iv) information as required under section 80 [*employers list*] of the *Teachers Act*,
- to investigate the circumstances of the failure.

- The special advisor or special advisory committee must
- (2)
 - submit a report to the minister in respect of anything resulting
 - (a) from carrying out the duties under subsection (1), and
 - provide to the commissioner a copy of the report if the report
 - (b) relates to a matter described in subsection (1) (c).

- At the request of the minister, a report under subsection (2) (a) must
- (3) include recommendations about student performance and the conduct of the board or boards in respect of any educational, financial or community matters.

- With the approval of the minister, a special advisor and a special advisory
- (4) committee may
 - appoint employees necessary for performing the duties of the
 - (a) special advisor or special advisory committee,
 - engage and retain specialists and consultants to carry out the
 - (b) duties of the special advisor or special advisory committee, as required, and
 - determine the remuneration of persons appointed or retained
 - (c) under paragraph (a) or (b) of this subsection.

The minister, by order, may require the board or boards to do one or more

(5)

of the following:

- (a) pay the remuneration of the special advisor or members of the special advisory committee appointed under subsection (1) and any person appointed or retained under subsection (4) (a) or (b), at the rate determined by the minister;
- (b) pay the expenses of the special advisor or members of the special advisory committee;
- (c) implement one or more of the recommendations set out in a report under subsection (2) within the time period specified by the minister.

(6) The minister may provide a direction to the special advisor, the special advisory committee or a board respecting the duties of the special advisor or special advisory committee.

Powers of special advisor and special advisory committee

171.2 A special advisor or a member of a special advisory committee appointed under section 171.1 may

- (a) attend any meeting of the board,
- (b) enter a school building or any other building used in conjunction with the school or offices of the board, or any part of them, for the purposes of performing his or her duties, and
- (c) inspect any record of the board.

Responsibilities of the board

171.3 A board and its employees must assist a special advisor or special advisory committee in the carrying out of the duties of the special advisor or special advisory committee.

Division 2.2

Repealed

[Repealed 2015-24-43.]

171.4-

171.6

Division 3 — Official Trustee

Appointment of official trustee

172 (1) The Lieutenant Governor in Council may appoint an official trustee to any school district to conduct the affairs of the school district if, in the opinion of the Lieutenant Governor in Council,

- (a) there has been a default in a payment on the due date of either interest or principal of a debenture guaranteed under this Act or a

failure to comply to the satisfaction of the minister with a condition governing the guarantee,

the board is in serious financial jeopardy,

- (b) there is substantial non-compliance with this Act or the
- (c) regulations or any rules or orders made under this Act,

[Repealed 2012-3-23.]

- (c.1) there is substantial non-performance of the duties of the board,
 - (d) there is a risk to student achievement in the district and it is in
 - (e) the public interest to do so, or
- the board has failed to comply with an administrative directive
- (f) issued by the minister under section 168.03 (1).

- (2) On the appointment of an official trustee to conduct the affairs of a school district, the trustees of the school district cease to hold office.

- (3) The Lieutenant Governor in Council may remove an official trustee and order that elections be held in the school district or may appoint trustees to hold office in the school district until the next general local election.

Powers of official trustee

- 173 (1) An official trustee appointed under section 172
 - has the powers and duties conferred by this Act on a board, and
 - (a) must be remunerated out of the funds of the board of the school
 - (b) district in which the official trustee is appointed or otherwise as the Lieutenant Governor in Council determines.

- (2) In the exercise of a power or performance of a duty conferred under this Act on a board, an official trustee, with the approval of the minister, may deviate in matters of procedure and in the form of any notice or statement under this Act as the official trustee considers necessary for the more effective exercise of that power or duty.

- (3) The Lieutenant Governor in Council may make regulations to adapt this Act to the conduct of the affairs of school districts to which official trustees are appointed.

Division 4 – Examiners

Appointment of boards of examiners

- 174 (1) The Lieutenant Governor in Council may appoint one or more boards of examiners to advise the minister on matters that are related to examinations.

- (1.1) A board of examiners appointed under subsection (1) must consist of 2 or

more members, and include at least one representative of the ministry and one person appointed to represent the universities named in the *University Act*, the *Thompson Rivers University Act* and the *Trinity Western University Act*.

(2) The members of a board of examiners may be paid remuneration and expenses at rates determined by the Lieutenant Governor in Council.

(3) The minister may designate a member of a board of examiners as chair of the board of examiners.

(4) [Repealed 2007-16-26.]

Division 5 – Lieutenant Governor in Council Regulations and Orders

Power to make regulations and orders

175 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a) governing the conduct of schools;
- (a) [Repealed 2012-17-14.]
- (b) prescribing the duties of secretary treasurers and employees of a board who are certificate holders;
- (c) prescribing the duties of the secrétaire trésorier of a francophone education authority and employees of a francophone education authority who are certificate holders;
- (c.1) governing the manner, form and amount of insurance that must be maintained by a board;
- (d) setting apart and reserving in each school district a quantity of Crown land that may be necessary for educational purposes in that district;
- (e) defining any expression that is used but not defined in this Act;
- (f) deeming a described class of persons to be employees of a specified board for the purposes of section 34;
- (g) excepting a described class of persons from being employees of a specified board for the purposes of section 34;
- (h) establishing one or more alternative oaths of office for the purposes of section 50;
- (i) [Repealed 2002-53-86.]
- (j) deeming one or more categories of persons to be ordinarily
- (k)

resident in a school district or in British Columbia for the purposes of section 82;

(l) varying the dates or times referred to in sections 106.2, 106.3, 110, 112, 113, 119 (3), 120.1 (7), 120.3 (1) and 137;

(m) respecting the evaluation of educational programs and services provided by a board for the purposes of section 75 (7);

(n) respecting the evaluation of francophone educational programs and services provided by a francophone education authority for the purposes of section 166.25 (6);

(o) respecting the assessment and evaluation of students by a certificate holder;

(p) respecting the assessment and evaluation of francophone students by a certificate holder;

(q) in respect of distributed learning schools and educational programs delivered through distributed learning, exempting the school or program from, or modifying, a requirement of the regulations, except in relation to school calendars;

(r) establishing conditions and limits for the purposes of an appeal to a superintendent of appeals under section 11.1 (1);

(s) prescribing criteria for the purposes of the definition of "specialty academy" in section 82.1;

(t) prescribing what may and what may not be considered to be direct costs for the purposes of section 82.1 (4) or 82.31 (3);

(u) deeming that a board that has scheduled for a school in its district a number of hours of instruction for a day has provided the scheduled number of hours of instruction for that day and has complied with section 87.03 for that day if

(i) the school is closed as a result of a strike or lockout in respect of some or all of the employees of the board assigned to the school, or

(ii) the school is closed by the board under section 73 (1) or 90 (2).

[Repealed 2012-17-14.]

(3) [Repealed 2002-53-86.]

(4) The Lieutenant Governor in Council may

(5) [Repealed 2002-53-86.]

(a) authorize the minister to enter into an agreement with Canada for

(b) the education of Indian or other children for whose education

- Canada assumes responsibility, and
- vest in the minister the powers and authority considered
- (c) necessary or advisable to effectively administer this Act and the regulations and to make orders for that purpose.

(5.1) Without limiting subsections (1) to (5), the Lieutenant Governor in Council may make regulations for the purposes of Part 6.1, including regulations prescribing

- (a) the manner in which a notice of an annual general meeting must be given, and
- (b) the manner in which an annual report may be made available to the public.

(6) Without limiting subsections (1) to (5.1), the Lieutenant Governor in Council may make regulations for the purposes of Part 8.1, including regulations

- (a) prescribing a form of signed statement for the purposes of sections 166.13 (1) and 166.24 (4),
- (b) prescribing a form of declaration for the purposes of section 166.14 (5) (a),
- [Repealed 1999-8-27.]
- (c) respecting the election of regional trustees of francophone
- (d) education authorities for the purposes of section 166.18,
- (e) prescribing the number of regional trustees for a francophone education authority for the purposes of section 166.18 (2),
- (f) prescribing the form of an oath of office for the purposes of section 166.19,
- (g) respecting the procedures for by-elections of regional trustees to be held under section 166.2,
- (h) prescribing additional duties of the directeur général of a francophone education authority for the purposes of section 166.27 (2) (c),
- (i) respecting any matter or thing in respect of which the Lieutenant Governor in Council may make regulations under subsections (2), (3) and (4), and
- (j) respecting any matter or thing that the Lieutenant Governor in Council considers necessary or advisable to facilitate the establishment and operation of francophone education authorities.

(7) Without limiting subsections (1) to (6), the Lieutenant Governor in Council may, by regulation, specify that one or more of the following instruments

applies for the purposes of Part 8.1:

- an order of the minister made under this Act;
- (a) an order of the Lieutenant Governor in Council made under this
- (b) Act;
- a regulation of the Lieutenant Governor in Council made under
- (c) this Act.

(8) An instrument may only be specified under subsection (7) if the instrument is in force on the day this section comes into force.

(9) A regulation made under subsection (6) (c) or (d) may

- (a) adopt by reference any of the provisions of this Act, the *Local Government Act* or the *Local Elections Campaign Financing Act* respecting the election of school trustees, with any modifications necessary to adapt those provisions to the purposes of Part 8.1, and
- (b) provide that a person who is guilty of an offence for a contravention of a provision referred to in paragraph (a) is liable to the same penalties that apply to such an offence under the enactments referred to in that paragraph.

(10) If a regulation made under subsection (6) (e)

- (a) increases the number of regional trustees of a francophone education authority, the regulation may determine the manner in which and the times at which the new regional trustees under the regulation are to be appointed or elected, or
- (b) reduces the number of regional trustees of a francophone education authority, the regulation becomes effective for the following general election of regional trustees of the authority.

(11) A regulation made under subsection (2) (l)

- (a) may vary the dates or times referred to in the sections listed in that subsection as those sections apply to francophone education authorities or for the purposes of Part 8.1, and
- (b) may be made after the expiry of the date or time being varied.

Creation and alteration of school districts

176 (1) The Lieutenant Governor in Council may, by order,

- (a) create school districts in addition to those already existing,
- (b) define the boundaries of school districts created under paragraph (a),
- (c) alter the boundaries of or abolish a school district, and

(d) change the name of a school district.

The assets of the board of a school district, including funds, must be
 (2) disposed of as directed by the Lieutenant Governor in Council, having regard to the rights of creditors, if

the area of the school district becomes included in another school
 (a) district,

part of the area of the school district becomes included in another
 (b) school district, or

the school district is abolished.

(c)
 Without limiting subsection (2), the Lieutenant Governor in Council may
 (3) make provision for

the use and administration of property used and administered by
 (a) the board, but not vested in the board,

the transfer and payment of the liabilities of the board and for
 (b) raising funds necessary for payment of the liabilities, or

the use and expenditure of the proceeds of the sale of any asset
 (c) of the board.

Division 6 – Offences

Maintenance of order

A person must not disturb or interrupt the proceedings of a school or an
177 (1) official school function.

A person who is directed to leave the land or premises of a school by a
 (2) principal, vice principal, director of instruction or a person authorized by the board to make that direction

must immediately leave the land and premises, and

(a) must not enter on the land and premises again except with prior

(b) approval from the principal, vice principal, director of instruction or a person who is authorized by the board to give that approval.

A person who contravenes subsection (1) or (2) commits an offence.
 (3)

A principal, vice principal or director of instruction of a school or a person
 (4) authorized by the board may, in order to restore order on school premises, require adequate assistance from a peace officer.

Division 7 – Validation of Fees

Validation of fees – International Baccalaureate program

Despite section 82 and despite any decision of a court to the contrary
178 (1)

made before or after the coming into force of this section or section 82.31, the fees set and charged by a board, from July 1, 2002 to the date this section comes into force, in relation to an International Baccalaureate program that would have been validly set and charged had the board set and charged those fees in accordance with section 82.31 (3) are conclusively deemed to have been validly set and charged, and all fees collected by the board are conclusively deemed to have been validly collected.

(2) This section is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter because it makes no specific reference to that matter.

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