

# SCHOOL REGULATION

**Authority:** *School Act*, sections 5 and 175

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## CONTENTS

### Section

1. Interpretation
2. **REPEALED.** [B.C. Reg. 277/02]
3. Home education
4. Duties of teachers
5. Powers and duties of principals, vice principals or directors of instruction
6. Duties of superintendent of schools
7. Duties of secretary treasurers
8. **REPEALED.** [B.C. Reg. 189/93.]
- 8.1 **REPEALED.** [B.C. Reg. 189/93.]
9. Insurance
10. Short term borrowing
11. Education advisory council
12. Oath of non-disclosure
13. General interest course
14. Indian language instruction
15. Referendum

## SCHOOL REGULATION

16. Deemed residence

### Appendix:

Form of Oath of Non-Disclosure

### Interpretation

1. (1) In this regulation:

"Act" means the *School Act*;

"**Required Graduation Program Examination**" means a Required Graduation Program Examination as defined in the Graduation Program Order, M302/04.

- (2) The following expressions are defined for the purposes of the Act:

"**educational resource materials**" means

- (a) information, represented or stored in a variety of media and formats, that is used for instruction in an educational program including, without limitation, the materials referred to in section 3 of Ministerial Order 333/99, the Educational Program Guide Order, and
- (b) materials and equipment necessary to meet the learning outcomes or assessment requirements of an educational program provided by a board

but does not include

- (c) paper, writing tools, calculators other than graphical calculators, student planners, exercise books, computers used for distributed learning, computer storage media and other school supplies and equipment for a student's personal use,
- (d) appropriate personal clothing for school activities such as gym strip, footwear, outerwear and personal safety equipment;

"**goods and services**" includes, but is not limited to,

- (a) materials and equipment of a nature, or of a quality or quantity, beyond that which is necessary to meet the required learning outcomes or assessment requirements of an educational program provided by a board,
- (b) paper, writing tools, calculators other than graphical calculators, student planners, exercise books, computer storage media and other school supplies and equipment for a student's personal use,
- (c) **REPEALED**: am. B.C. Reg. 264/07, effective July 19, 2007.
- (d) the payment of expenses, including expenses for transportation, accommodation, meals, entrance fees and equipment rentals, in respect of optional field trips or special events that are not necessary to meet the required learning outcomes or assessment requirements of an educational program provided by a board.

"**instruction in an educational program**" means the communication of

information or knowledge to students, who are in attendance and under supervision, sufficient to meet the learning outcomes or assessment requirements of an educational program provided by a board;

## SCHOOL REGULATION

(3) Nothing in the definition of “instruction in an educational program” in subsection (2) is to be construed as excluding the provision of work study and work experience programs, examinations or other learning activities by a board.

[en. BC Reg. 281/98' editorial edits Dec. 22/99; am. BC Reg. 446/03; am. BC Reg. 1114/04; am. B.C. Reg. 225/06, effective September 8, 2006; am. B.C. Reg. 264/07, effective July 19, 2007]

2. *REPEALED B.C. Reg. 277/02 effective October 11, 2002.*

### Home education

3. (1) A school or francophone school that registers a child under section 13 of the Act must offer

- (a) evaluation and assessment services sufficient to enable the parents of the child to determine the educational progress achieved by the child in relation to students of similar age and ability, and
- (b) the loan of educational resource materials that are authorized and recommended by the minister,
  - (i) which, in the board's opinion, are sufficient to enable the child to pursue his or her educational program, and
  - (ii) which will be offered to the child on a similar basis to the offer of such educational resource materials to students.

(2) With the permission of a board, a child registered in a school or francophone school under section 13 of the Act may audit educational programs offered by the board subject to any terms and conditions established by the board, including the payment of any fee.

(3) A child in grade 10, 11, or 12 registered in school francophone school, or independent school under section 13 of the Act may enroll in all or part of an educational program that is

- (a) offered by a board or an independent school, and
- (b) delivered through distributed learning.

(4) If a child registered in school, francophone school or independent school under section 13 of the Act enrolls in educational programs offered by a board that are not delivered through distributed learning, the child ceases to be registered under section 13 (1) (a) of the Act and is enrolled as a student with the board.

(5) If a child registered in school, francophone school or independent school under section 13 of the Act enrolls in educational programs offered by an independent school that are not delivered through distributed learning, the child ceases to be registered under section 13 (1) (a) of the Act and is enrolled as a student with the independent school under the *Independent School Act*.

[am. B.C. Reg. 181/90; am. B.C. Reg. 225/06, effective September 8, 2006; am. B.C. Reg. 388/07]

## SCHOOL REGULATION

### Duties of teachers

4. (1) The duties of a teacher include the following:
- (a) providing teaching and other educational services, including advice and instructional assistance, to the students assigned to the teacher, as required or assigned by the board or the minister;
  - (b) providing such assistance as the board or principal considers necessary for the supervision of students on school premises and at school functions, whenever and wherever held;
  - (c) ensuring that students understand and comply with the codes of conduct governing their behaviour and with the rules and policies governing the operation of the school;
  - (d) assisting to provide programs to promote students' intellectual development, human and social development and career development;
  - (e) maintaining the records required by the minister, the board and the school principal;
  - (f) encouraging the regular attendance of students assigned to the teacher;
  - (g) evaluating educational programs for students as required by the minister or the board;
    - (g.1) evaluating each student's intellectual development, human and social development and career development, including, as required by the minister, administering and grading Required Graduation Program Examinations;
    - (g.2) ensuring the security of Provincial examinations, including retaining completed Provincial examinations for any period of time set by the minister;
  - (h) providing the information in respect to students assigned to the teacher as required by the minister, board or, subject to the approval of the board, by a parent;
  - (i) when required to do so by the minister, verifying the accuracy of the information provided to the minister under paragraph (h);
  - (j) regularly providing the parents or guardians of a student with reports in respect of the student's school progress as required by the minister or the board; and
  - (k) attending all meetings or conferences called by the principal or superintendent of schools for the district to discuss matters the principal or superintendent of schools considers necessary unless excused from attending the meeting or conference by the principal or superintendent of schools;
  - (l) admitting to his or her classroom to observe tuition and practise teaching, student teachers enrolled in a university established under the *University Act* or in an institution for training teachers established under any other Act, and rendering the assistance to the student teachers, and submitting the reports on their teaching

## SCHOOL REGULATION

ability or on other matters relating to them or to their work, considered necessary for the training of teachers by the university or institution.

(2) Reports referred to in subsection (1) (j) shall be made at least 5 times during the school year as follows:

- (a) 3 written reports, one of which shall be at the end of the school year
    - (i) on a form approved by the minister, or
    - (ii) on a form approved by the board containing information and, when required, using reporting symbols ordered or approved by the minister;
  - (b) at least 2 informal reports.
- (3) In conjunction with the written reports required under subsection (2) (a), each teacher of a student in kindergarten to grade 3 must provide to the parents or guardians of the student, oral or written comments on the student's school progress in intellectual, human and social development with reference to the standards of development for children in a similar age range.

[am. BC Reg. 1114/04]

### **Powers and duties of principals, vice principals or directors of instruction**

**5.** (1) A principal, vice principal or director of instruction may at any time report on the work of a teacher and the learning situation in the teacher's class and shall deliver a copy of that report to the teacher.

(2) Within 3 months of a request of the college, a principal, vice principal or director of instruction shall report on the work of a teacher and the learning situation in the teacher's class and deliver a copy of the report to the college and to the teacher.

(3) The primary function of a director of instruction is to improve instruction within the grades or ungraded years for which he or she is responsible and, in performing this function, he or she shall have free access to any school, classroom or school record.

(4) A director of instruction shall, under the direction of the superintendent of schools,

- (a) by conferring with principals singly or in groups,
- (b) by meeting with teachers,
- (c) by visiting classrooms and observing the learning situations, and
- (d) by carrying out such other duties as are designed to improve instruction,

coordinate some or all of the educational programs within the schools in the areas of his or her responsibility.

- (5) A director of instruction may
  - (a) evaluate learning situations in classrooms,
  - (b) evaluate the work of a teacher and of school district supervisory personnel,
  - (c) evaluate the work of principals and vice principals, and
  - (d) issue reports on any matter referred to in paragraphs (a) to (c).

(6) The principal or, if so authorized by the principal, the vice principal of a school shall,

## SCHOOL REGULATION

- (a) perform the supervisory, management and other duties required or assigned by the board,
  - (b) confer with the board on matters of educational policy and, where appropriate, attend board meetings for that purpose,
  - (c) evaluate teachers under his or her supervision and report to the board as to his or her evaluation,
  - (d) assist in making the Act and this regulation effective and in carrying out a system of education in conformity with the orders of the minister,
  - (e) advise and assist the superintendent of schools in exercising his or her powers under the Act,
  - (f) recommend to the superintendent of schools the assignment or reassignment of teachers to positions on the teaching staff of the board,
  - (g) recommend to the superintendent of schools the dismissal or discipline of a teacher,
  - (h) perform teaching duties assigned by the board,
  - (h.1) administer and grade, as required by the minister, Required Graduation Program Examinations,
  - (h.2) ensure the security of Provincial examinations, including retaining completed Provincial examinations for any period of time set by the minister, and
    - (i) represent the board when meeting with the public in the capacity of principal or vice principal of a school.
- (7) The principal of a school is responsible for administering and supervising the school including
- (a) the implementation of educational programs,
  - (b) the placing and programming of students in the school,
  - (c) the timetables of teachers,
  - (d) the program of teaching and learning activities,
  - (e) the program of student evaluation and assessment and reporting to parents,
  - (f) the maintenance of school records, and
  - (g) the general conduct of students, both on school premises and during activities that are off school premises and that are organized or sponsored by the school,
- and shall, in accordance with the policies of the board, exercise paramount authority within the school in matters concerning the discipline of students.
- (7.1) If a student is receiving instruction through distributed learning off school premises, subsection (7) (g) applies only to conduct related to distributed learning provided to a student by the school.
- (8) Principals shall ensure that parents or guardians are regularly provided with reports in respect of the student's school progress in intellectual development, human and social development and career development and the student's attendance and punctuality.

## SCHOOL REGULATION

(9) Reports under subsection (8) shall be made at least 5 times during the school year as follows:

- (a) 3 written reports, one of which shall be at the end of the school year
    - (i) on a form ordered by the minister, or
    - (ii) on a form approved by the board containing information, and when required, using reporting symbols ordered or approved by the minister, and
  - (b) at least 2 informal reports.
- (10) The principal of a school, other than a distributed learning school, must,
- (a) subject to the approval of the board, establish a program of school assemblies to be conducted at appropriate times during the school year,
  - (b) ensure that assemblies are held at least 3 times in a school year, including the school day immediately preceding Remembrance Day,
  - (c) ensure that the Canadian national anthem shall be sung at each school assembly, and
  - (d) ensure that the Canadian flag and the British Columbia flag be displayed at each school while in session.
- (10.1) Subsection 10 does not apply to
- (a) the principal of a distributed learning school, or
  - (b) the principal of a school, other than a distributed learning school, in respect of students receiving instruction by means of distributed learning.

(11) School assemblies referred to in subsection (10) shall be established to promote loyalty to the Crown, respect for Canadian traditions, laws, institutions and human values, and shall include observation of occasions of historic or current importance to Canada and the Commonwealth, as well as appropriate references to the Canadian flag.

(12) The principal of a distributed learning school must establish a program of activities for students enrolled with the school that promote loyalty to the Crown, respect for Canadian traditions, laws, institutions and human values, and include observation of occasions of historic or current importance to Canada and the Commonwealth, as well as appropriate references to the Canadian flag.

(13) Subsection (12) also applies to a principal of a school, other than a distributed learning school, in respect of students receiving instruction by means of distributed learning.

[am. B.C. Reg. 138/04; am. BC Reg. 1114/04; am. B.C. Reg. 225/06, effective September 8, 2006; am. B.C. Reg. 264/07, effective July 19, 2007]

### **Duties of the superintendent of schools**

- 6.** (1) A superintendent of schools shall
- (a) assist in making the Act and regulations effective and in carrying out a system of education in conformity with the orders of the minister,
  - (b) advise and assist the board in exercising its powers and duties under the Act,
  - (c) investigate matters as required by the minister and after due investigation submit a report to him or her, and

## SCHOOL REGULATION

(d) perform those duties assigned by the board, and may, subject to section 69 of the Act, at his or her discretion, attend any board meeting.

(2) A superintendent of schools shall render the assistance to the minister that the minister requires.

(3) A superintendent of schools or an assistant superintendent may at any time report on the work of a teacher and the learning situation in the teacher's class or the work of a principal, vice principal or director of instruction and must deliver a copy of that report to the teacher, principal vice principal or director of instruction, as the case may be.

(4) Within 3 months of a request of the college, the superintendent shall report on the work of a teacher and the learning situation in the teacher's class or the work of a principal, vice principal or director of instruction and deliver a copy of the report to the college, principal, vice principal or director of instruction, as the case may be.

[am. B.C. Reg. 138/04]

### Duties of secretary treasurers

7. (1) The secretary treasurer of a board shall
- (a) become familiar with and comply with the accounting and administrative procedures specified by the minister and shall keep a record of the proceedings of the board and perform the other duties the board may assign in relation to its corporate affairs,
  - (b) perform the duties specified for a secretary treasurer by the Act and the regulations, rules or orders made under it, and
  - (c) perform those duties assigned by the board.
- (2) The records referred to in subsection (1) (a), and all books, accounts, vouchers and papers of the board, shall at all times be subject to inspection by the minister or his or her designated representative and by the comptroller general of the Province.

8. **REPEALED.** [B.C. Reg. 189/93.]

8.1. **REPEALED.** [B.C. Reg. 189/93.]

### Insurance

9. (1) A board may only provide insurance coverage under section 84 of the Act through an insurer or group of insurers designated by the minister.
- (2) The board need not be the named beneficiary in a policy of insurance in which the board does not have an insurable interest.

### Short term borrowing

10. (1) A board may borrow to meet current operating expenses if those borrowings are completely repaid within 6 months.

## SCHOOL REGULATION

(2) With the approval of the minister a board may extend the repayment period of borrowing costs to meet current operating expenses.

### Education Advisory Council

11. The Education Advisory Council may advise the minister on overall policies of the education system including, without limitation, the following areas:

- (a) curriculum and assessment;
- (b) the teaching profession;
- (c) system governance;
- (d) finance.

### Oath of non-disclosure

12. The oath referred to in section 170 of the Act shall be in the form set out in the Appendix.

### General interest course

13. For the purposes of section 19 (2) (b) of the Act "general interest course" means a set of activities provided by a board that is not part of an educational program offered to students.

### Indian language instruction

14. A board shall provide instruction in an Indian language if
- (a) the board and the council of a band have entered into an agreement under section 86 (3) of the Act for the provision of an Indian language program, and
  - (b) the minister has approved the Indian language program.

### Referendum

15. Information prescribed for the purposes of section 112 (7) of the *School Act* includes
- (a) the date on which the referendum will be held,
  - (b) the location of polling places and the times for their opening and closing,
  - (c) a description of the new and enhanced programs, additional activities for students and local capital initiatives for which the board seeks taxpayer approval,
  - (d) the total cost of the programs, activities and initiatives referred to in paragraph (c), and
  - (e) the change in taxation resulting from the cost referred to in paragraph (d) expressed as a dollar value for each \$10 000 of assessed property value.

[en. B.C. Reg. 76/91]

### Deemed residence

16. (1) For the purposes of section 82 of the *School Act*,

## SCHOOL REGULATION

- (a) a youth who has entered into an agreement with the director under section 12.2 of the *Child Family and Community Services Act* is deemed to be ordinarily resident in the school district within which the mailing address specified for the youth in the agreement is located, and
- (b) the guardian of a youth described in paragraph (a) is deemed to be ordinarily resident in British Columbia.

(2) For the purposes of section 82 of the *School Act*, an inmate of a correctional centre under the *Correction Act* or a penitentiary under the *Corrections and Conditional Release Act* (Canada) is deemed to be ordinarily resident in British Columbia.

[en. B.C. Reg. 147/00; am. B.C. Reg. 214/00; am. B.C. Reg. 225/06, effective September 8, 2006]

## APPENDIX OATH OF NON-DISCLOSURE

I, \_\_\_\_\_ do swear/affirm that

1. I am an employee of the Ministry of Education and have access to students' records, as defined in the *School Act*.
2. I will not knowingly disclose to any person any information from student records, unless permitted by the *School Act*.

SWORN/AFFIRMED by me, at  
\_\_\_\_\_, British Columbia,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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Deponent

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(Person administering the  
oath or affirmation)