

INDEPENDENT SCHOOL REGULATION

Authority: *Independent School Act*, section 18

B.C. Reg. 262/89	Effective September 1, 1989
Amended by B.C. Reg. 272/90.....	Effective August 27, 1990
Amended by B.C. Reg. 447/90.....	Effective November 21, 1990
Amended by B.C. Reg. 208/93.....	Effective July 1, 1993
Amended by B.C. Reg. 260/93.....	Effective July 30, 1993
Amended by B.C. Reg. 193/94.....	Effective July 1, 1994
Amended by B.C. Reg. 220/02.....	Effective July 26, 2002
Amended by B.C. Reg. 271/02.....	Effective October 11, 2002
Amended by B.C. Reg. 43/03.....	Effective February 17, 2003
Amended by B.C. Reg. 203/04.....	Effective May 6, 2004
Amended by B.C. Reg. 305/04.....	Effective June 30, 2004
Amended by B.C. Reg. 228/06.....	Effective July 20, 2006
Amended by B.C. Reg. 252/06.....	Effective September 8, 2006
Lieutenant Governor in Council Regulations	

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Interpretation

1. In this regulation:

"Act" means the *Independent School Act*.

"eligible student" means a student

- (a) who is of school age, and
- (b) whose parent or guardian

- (i) is, or was at the time of that parent's or guardian's death, a citizen of Canada or a permanent resident, as defined in the *Immigration and Refugee Protection Act* (Canada), who is or was at the time of the parent's or guardian's death, ordinarily resident in British Columbia, or
- (ii) is lawfully admitted to Canada and is ordinarily resident in British Columbia.

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Reports

2. (1) Subject to subsection (3), in order to qualify for a grant under the Act in respect of an independent school, an authority holding a group 1 or 2 certificate for the independent school must file the following with the inspector:

- (a) by October 15 of the school year for which a grant is claimed, a report, in the form specified by the inspector, stating
 - (i) the number of eligible students enrolled in and in attendance at the school as of September 30 of that school year in an educational program that is not delivered through distributed learning,
 - (ii) the number of eligible students enrolled at the school as of September 30 of that school year who are in kindergarten and grades 1 to 9 in an educational program delivered in whole or in part through distributed learning, and
 - (iii) the total number of eligible students enrolled at the school in each grade 10 to 12 course delivered through distributed learning as of September 30 of that school year, multiplied by 1/8;
- (b) by February 28 of the school year for which a grant is claimed, a report, in the form specified by the inspector, stating
 - (i) the number of eligible students enrolled in the school after September 30 of that school year but on or before February 15 who are in kindergarten and grades 1 to 9 in an educational program delivered in whole or in part through distributed learning, multiplied by 1/2, and
 - (ii) the total number of eligible students enrolled at the school in each grade 10 to 12 course delivered through distributed learning after September 30 of that school year but on or before February 15, multiplied by 1/8;
- (c) by May 31 of the school year for which a grant is claimed, a report, in the form specified by the inspector, stating
 - (i) the number of eligible students enrolled in the school after February 15 of that school year but on or before May 15 who are in grades kindergarten and grades 1 to 9 in an educational program delivered in whole or in part through distributed learning, multiplied by 1/3, and
 - (ii) the total number of eligible students enrolled at the school in each grade 10 to 12 course delivered through distributed learning after February 15 of that school year but on or before May 15, multiplied by 1/8;
- (d) by June 15 of the school year for which a grant is claimed, an audited report, in the form specified by the inspector, stating
 - (i) the number of eligible students enrolled in and in attendance at the school as of May 15 who have completed at least 600 hours of instruction after July 1 but before May 15 of that school year in an educational program that is not delivered through distributed learning.
 - (ii) the number of eligible students enrolled in and in attendance at the school as of May 15 who have completed fewer than 600 hours of instruction after

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July 1 but before May 15 of that school year in an educational program that is not delivered through distributed learning, and

- (iii) the total number of hours of instruction received through the school by the students referred to in subparagraph (ii), divided by 600.

(2) An authority holding a certificate for group 1 classification for an independent school shall file with the inspector, on or before October 15 in a school year, an audited report in a form specified by the inspector stating the independent school's per FTE student costs as referred to in section 3 of the Schedule to the Act in order to qualify for a grant under the Act in respect of that independent school.

(2.1) Except in respect of an eligible student enrolled in an educational program in any of grades 10 to 12 that is delivered in whole or in part through distributed learning, a grant must not be paid to an authority with respect to a student enrolled in an educational program provided by a board.

(2.2) Except in respect of an eligible student enrolled in more than one educational program in any of grades 10 to 12 delivered in whole or in part through distributed learning, only one grant will be paid with respect to a student enrolled in more than one independent school or enrolled in more than one educational program offered by the same independent school.

(3) Where the inspector accepts the filing of a report after the date it is due under subsections (1) and (2), the report shall be deemed to be filed on time for the purposes of subsection (1) or (2), as the case may be.

(4) A report referred to in subsection (1) (d) or subsection (2) must be audited by a person qualified under section 205 of the *Business Corporations Act* to be an auditor of a reporting company.

[am. B.C. Reg. 208/93; SBC 1995, c. 22, s. 2 (b); am. B. C. Reg. 203/04; am. B.C. Reg. 228/06; am. B.C. Reg. 252/06]

Calculation of grants

3. (1) For the purposes of section 12 (1) of the *Act*, a grant for a school year to an authority for each group 1 or 2 classification independent school it operates is the product of the following:

- (a) the total sum of the amounts described in section 2 (1) (a) (ii) and (iii), (b) (i) and (ii), (c) (i) and (ii) and (d) (i) and (iii),
(b) the per FTE student grant for the school year of the public school district in which the independent school is located, and
(c) the percentage applicable to the school under section 4.

(2) No grant shall be paid to an authority with respect to a student whose education is fully or substantially funded by the government of Canada.

(3) **REPEALED.** [B.C. Reg. 208/93.]

(4) The per FTE student grant in subsection (1) (b) shall be calculated by the following formula:

$$\text{per FTE student cost} = \frac{A-[B+C+D]}{E}$$

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where, in relation to the public school district,

"A" is the sum of

- (i) the amount of the operating grant under section 106.3 of the *School Act*, and
- (ii) if in the school year a special grant is payable under section 115 (1) (a) of the *School Act* to all boards of all public school districts in the Province for operating expenses, the amount of that special grant paid to the public school district;

"B" is the "annual facility grant" as defined in section 1 of the *School Act*;

"C" is the total for local capital expenditures as defined in paragraph (b) of the definition of "local capital expenditure" in section 1 of the *School Act*;

"D" is the allocation by the minister made under section 106.3 (1) (b) of the *School Act* in respect of students eligible for supplementary special needs funding;

"E" is the number of the school district's FTE students as determined as of September 30 of the school year by the minister.

[am. B.C. Reg. 447/90; B.C. Reg. 208/93; am. B.C. Reg. 193/94; am. SBC 1995, c. 22, s. 6; am B.C. Reg. 220/02; am B.C. Reg. 271/02, am B.C. Reg 305/04; am B.C. Reg. 228/06]

Percentages

4. The percentage that is applicable for the purposes of section 3 (1) (c) for the school year commencing July 1, 1989 and for each subsequent school year is

- (a) 50% for an independent school for which an authority has been issued a certificate of group 1 classification, and,
- (b) 35% for an independent school for which an authority has been issued a certificate of group 2 classification.
- (c) **REPEALED.** [B.C. Reg. 208/93.]

[am. B.C. Reg. 208/93]

Expiry of certificate of group classification

5. A certificate of group classification for an independent school shall be granted for a term not exceeding

- (a) 6 school years, where the authority holds a certificate of group 1 or group 2 classification,
- (b) 2 school years, where the authority holds a certificate of group 3 or group 4 classification, and
- (c) one school year where the authority has not operated the school for one school year before the date of application for a certificate of group classification.

[am. B.C. Reg. 208/93; am. B.C. Reg. 43/03]

Expiry of interim certificate of group classification

5.1 An interim certificate of group 4 classification is valid until the end of the school year in which the certificate is granted, plus one additional year.

[en. B.C. Reg. 228/06]

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Home schooled children

6. (1) An independent school that registers a child under section 10 of the Act
- (a) shall offer, free of charge, the evaluation and assessment services normally offered to students by the independent school in which the child is registered, and
 - (b) may loan
 - (i) authorized and recommended educational resource materials provided by the Ministry of Education that, in the school's opinion, are sufficient to enable the child to pursue his or her educational program, or
 - (ii) learning materials used by the students of the independent school that, in the school's opinion, are sufficient to enable the child to pursue his or her educational program.
- (2) The independent school may require a deposit for the loan of educational resource materials and learning materials under subsection (1) (b).
- (3) A child in grade 10, 11, or 12 registered under section 10 of the Act may enroll in all or part of an educational program that is
- (a) offered by an independent school or a board, and
 - (b) delivered through distributed learning.
- (4) If a child registered under section 10 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 10 of the Act and is enrolled as a student with the independent school.
- (5) If a child registered under section 10 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 10 of the Act and is enrolled as a student with the board under the *School Act*.

[am. B.C. Reg. 252/06]

Application for grant

7. To be eligible to receive a grant for a school year, an authority must
- (a) **REPEALED** effective July 20/06.
 - (b) satisfy the inspector that it and its independent school qualify for the issue or renewal of the certificate or group classification that relates to the grant,
 - (c) be issued that certificate of group classification.

[en. B.C. Reg. 272/90 ;am B.C. Reg. 228/06]

Authority to provide information about bond

8. An authority holding a group 4 certificate for an independent school shall include in its school calendar detailed information concerning the protection afforded by a bond acquired by the authority pursuant to the Bonding Regulation.

[en. B.C. Reg. 260/93]

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Student records

9. (1) Subject to the inspector's orders, an authority must establish and maintain a record for each student and for each child registered with the independent school of the authority.

(2) Subject to the inspector's orders, an authority must

- (a) establish written procedures regarding the storage, retrieval and appropriate use of student records, and
- (b) ensure confidentiality of the information contained in the student records and ensure privacy for students and their families.

(3) Despite subsection (2), an authority must, if required by the inspector's orders, permit a person providing health services, social services or other support services access to information in student records required to carry out those services.

[en. B.C. Reg. 228/06]

Sharing of student records

10. If a student is enrolled in more than one independent school, then the authority of one of the independent schools must provide to the authority of another of the independent schools access to information in the student's records that is necessary for the other authority to satisfactorily perform its obligations under the *Act*.

[en. B.C. Reg. 228/06]