


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 560 , Approved and Ordered JUL 2 0 2006


Lieutenant Governor

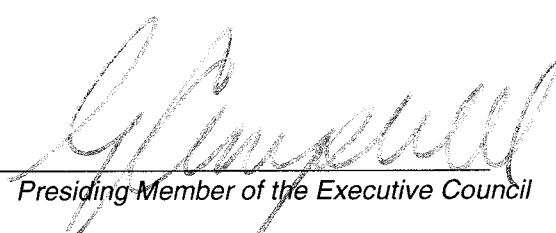
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) the Schedule to the *Independent School Act*, R.S.B.C. 1996, c. 216, is amended as set out in the attached Appendix 1, and
- (b) the *Independent School Regulation*, B.C. Reg. 262/89, is amended as set out in the attached Appendix 2.



Minister of Education and Deputy Premier and Minister Responsible for Early Learning and Literacy



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Independent School Act, R.S.B.C. 1996, c. 216, s. 18 (2)

Other (specify):- oic 1282/89

APPENDIX 1

1 *Section 3 of the Schedule to the Independent School Act, R.S.B.C. 1996, c. 216, is amended*

(a) *in subsection 1 (a) by striking out “the per FTE student cost of the public school district” and substituting “the per FTE student grant of the public school district”, and*

(b) *by repealing subsection (2) and substituting the following:*

- (2) An independent school that is issued a certificate of group 1 classification must
 - (a) undergo an initial external evaluation,
 - (b) with respect to its educational program that is not delivered through distributed learning,
 - (i) undergo an external evaluation, after the initial external evaluation, at least once every 6 years, and
 - (ii) be inspected at least once every 2 years, and
 - (c) with respect to its educational program that is delivered through distributed learning,
 - (i) undergo an external evaluation, after the initial external evaluation, at least once every 2 years, and
 - (ii) be inspected at least once every year.

2 *Section 3.1 (4) (b) is amended by striking out “the average per FTE student cost, as determined by the minister, of the public school district” and substituting “the average per FTE student grant, as determined by the minister, of the public school district”.*

3 *The following section is added:*

Accelerated process for certificates for group 2 classification

- 4.1** (1) Despite section 2 (c) (i), the inspector may issue a certificate for group 2 classification to an authority of an independent school that
- (a) has operated for less than one school year, and
 - (b) has obtained a certificate for group 3 classification in respect of the school.
- (2) Before issuing a certificate mentioned in subsection (1), the inspector must be satisfied that the independent school meets
- (a) all the requirements for a certificate of group 2 classification as set out in sections 1 and 2 except the requirement under section 2 (c) (i), and
 - (b) all the requirements applicable for a certificate of group 1 classification as set out in section 3 except the requirement under section 3 (1) (a).

4 *Section 6 (1) (d) is amended by striking out “80% of the teachers” and substituting “all of the teachers”.*

APPENDIX 2

1 Section 1 of the Independent School Regulation, B.C. Reg. 262/89, is repealed and the following substituted:

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.

2 Section 2 is amended

(a) by repealing subsections (1), (2.1) and (2.2) and substituting the following:

- (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 grades K 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 grades K 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 K 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 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.
- (2.1) 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. , **and**
- (b) in subsection (4) by striking out “referred to in subsection (1) (b)” and substituting “referred to in subsection (1) (d)”.**

3 Section 3 is amended

- (a) by repealing subsection (1) and substituting the following:**

(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. , *and*

(b) in subsection (4) by striking out “The per FTE student cost in subsection (1) (b)” and substituting “The per FTE student grant in subsection (1) (b)”, and

(c) in subsection (4) by repealing the following:

D is the allocation by the minister for special education programs for students listed in sections A (Dependent Handicapped), B (Low Incidence/High Cost) and C (Severe Behaviour) of the form required by section 2 (b.1) of Ministerial Order 152/89, the School and Student Data Collection Order;

and substituting the following:

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; .

4 *The following section is added:*

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.

5 *Section 7 is amended*

(a) by repealing paragraphs (a) and (b) and substituting the following:

(b) satisfy the inspector that it and its independent school qualify for the issue or renewal of the certificate of group classification that relates to the grant, and , *and*

(b) in subsection (c) by striking out “on or before November 30 of the school year”.

6 *The following sections are added:*

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.

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.