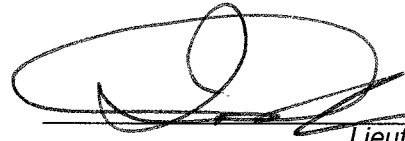


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **638**

, Approved and Ordered **SEP - 7 2006**

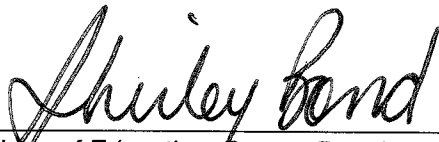


Lieutenant Governor

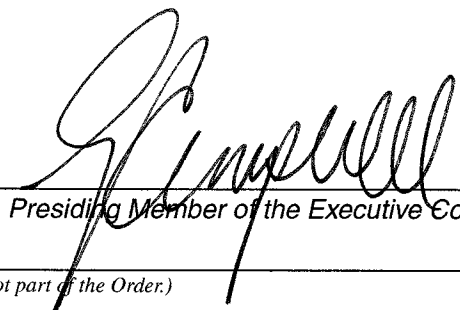
Executive Council Chambers, Victoria

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

- (a) the Class Size Regulation, B.C. Reg. 245/2002, is amended as set out in sections 1 to 7 of the attached schedule,
- (b) the School Calendar Regulation, B.C. Reg. 114/2002, is amended as set out in sections 8 to 12 of the attached schedule, and
- (c) the School Regulation, B.C. Reg. 265/89, is amended as set out in sections 13 to 16 of the attached schedule.



Minister of Education, 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:- School Act, R.S.B.C. 1996, c. 412, ss. 76.1, 78 and 175

Other (specify):- oic 1281/89, 390/2002, 790/2002 and 1122/2003

August 16, 2006

SCHEDULE

CLASS SIZE REGULATION

- 1** *Section 1 of the Class Size Regulation, B.C. Reg. 245/2002, is repealed and the following substituted:*

Definitions

- 1** (1) In this regulation:
- “Act”** means the *School Act*;
 - “class”** means a group of students regularly scheduled to be together in a classroom for the purposes of instruction in an educational program.
 - (2) For the purposes of section 76.1 (2) [*maximum class size for kindergarten and grades 1 to 3*] of the Act,
 - “grades 1 to 3”**, means a class containing students in those grades and includes a class containing students in those grades and in any other grade except kindergarten;
 - “kindergarten”** means a class containing kindergarten students and includes a class containing kindergarten students and students in any other grade.
 - (3) For the purposes of section 76.1 (2.1) [*maximum class size for grades 4 to 7*] of the Act, **“grades 4 to 7”** means a class containing students in those grades and includes a class containing students in those grades and in any other grade except kindergarten and grades 1 to 3.

- 2** *Section 1.1 is amended:*

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

- (1) A superintendent of schools for a school district must determine the average size of a board's classes, in the aggregate, as of the following dates, for the purposes of section 76.1 (1) of the Act:
- (a) September 30;
 - (b) January 15 or May 15 or both, in respect of the board's kindergarten, grades 1 to 3, grades 4 to 7 or grades 8 to 12 classes, if the superintendent has reasonable grounds to believe that the average class size of the board's kindergarten, grades 1 to 3, grades 4 to 7, or grades 8 to 12 classes has increased since the previous determination. , **and**

(b) in subsection (2), by striking out “a board” and substituting “the superintendent”.

- 3** *Section 3 is amended by striking out the marginal note and substituting “Grades 1 to 3”.*

- 4** *Section 4 is repealed and the following substituted:*

Grades 4 to 7

- 4 (1) The average class size, in the aggregate, for grades 4 to 7 in a school district is determined by the formula:

$$\frac{\text{Students}}{\text{Classes}}$$

where

students	=	the total number of students in grades 4 to 7 in the school district, as of September 30;
classes	=	the total number of grades 4 to 7 classes in the school district, as of September 30.

- (2) For the purposes of counting grades 4 to 7 under subsection (1), if a class contains students in grades 4 to 7 and students in another grade, the class must not be counted as one class but as a portion of a class determined by the formula, calculated to one decimal place:

$$\frac{\text{Students}}{\text{Total Students}}$$

where

students	=	the number of students in the class in grades 4 to 7;
total students	=	the number of students in the class.

5 *The following section is added:*

Grades 8 to 12

- 4.1 (1) The average class size, in the aggregate, for grades 8 to 12 in a school district is determined by the formula:

$$\frac{\text{Students}}{\text{Classes}}$$

where

students	=	the total number of students in grades 8 to 12 in the school district, as of September 30;
classes	=	the total number of grades 8 to 12 classes in the school district, as of September 30.

- (2) For the purposes of counting grades 8 to 12 under subsection (1), if a class contains students in grades 8 to 12 and students in another grade, the class must not be counted as one class but as a portion of a class determined by the formula, calculated to one decimal place:

$$\frac{\text{Students}}{\text{Total Students}}$$

where

students	=	the number of students in the class in grades 8 to 12;
total students	=	the number of students in the class.

6 Section 5 is amended

- (a) by striking out “a board” and substituting “the superintendent”,*
- (b) by repealing paragraphs (b) and (c) and substituting the following:*
 - (b) a student in a distributed learning school;
 - (c) a class where the educational program is delivered through distributed learning; ,
- (c) by repealing paragraph (d), and*
- (d) by repealing paragraph (h) and substituting the following:*
 - (h) a class operated exclusively for students who
 - (i) have learning disabilities or have disabilities of an intellectual, physical, sensory, emotional or behavioural nature, or
 - (ii) have exceptional gifts or talents.

7 Section 6 is repealed and the following substituted:

- 6** (1) Subject to subsection (2), on or before October 30 of each year, a board must prepare and submit to the minister a class size data report in the form and manner and containing the information required by the minister.
- (2) A board may include the class size data report with the report on organization of classes required under section 76.3 (10) of the Act, unless the board has instructed the superintendent to revise the report under section 76.3 (7) (b).

SCHOOL CALENDAR REGULATION

- 8** *The School Calendar Regulation, B.C. Reg. 114/2002, is amended by adding the following heading before section 1:*

PART 1 – INTERPRETATION .

9 Section 1 is amended

- (a) by repealing subsection (1) and substituting the following:*
 - (1) In this regulation:
“Act” means the *School Act*;

“instruction” or “instruction in an educational program” means the board approved provision of educational programs to students who are in attendance and under supervision and includes the provision of

- (a) work study and work experience programs,
- (b) examinations, and
- (c) other learning activities provided by the board. , *and*

(b) in subsection (2), by repealing the definition of “ “instruction” or “instruction in an educational program””.

10 *The following heading is added following section 1:*

PART 2 – SCHOOL CALENDARS - GENERAL .

11 *The following section is added after the heading to Part 2:*

Application of Part

- 1.1** This Part does not apply to distributed learning schools or any part of an educational program delivered by means of distributed learning.

12 *The following Part is added:*

PART 3 – SCHOOL CALENDARS FOR DISTRIBUTED LEARNING

Application of Part

- 11** This Part applies only to distributed learning schools and any part of an educational program delivered by means of distributed learning.

Board must provide school calendar

- 12** (1) A board that operates a distributed learning school or provides educational programs by means of distributed learning must ensure that a school calendar made available under section 77 of the Act complies with this section.
- (2) A school calendar must, for a distributed learning school or a group of students receiving instruction through distributed learning to which the school calendar applies, for the following school year set out
- (a) the days and times that the principal, vice principals, directors of instruction and teachers of the school are scheduled to be available to students and parents for instruction or administrative activities,
 - (b) administrative days and non-instructional periods,
 - (c) examination days, and
 - (d) the days on which the school is closed for vacation periods and holidays.

- (3) For the purposes of subsection (2) (a), a board must ensure that sufficient time is allotted to enable students to meet the learning outcomes of the educational program.

SCHOOL REGULATION

13 *Section 1 (2) of the School Regulation, B.C. Reg. 265/89, is amended*

(a) *by repealing paragraph (c) of the definition of “educational resource materials” and substituting the following:*

- (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 individual use ,

(b) *in paragraph (b) of the definition of “goods and services” by striking out “computer diskettes” and substituting “computer storage media”, and*

(c) *by repealing the definition of “primary grades class”.*

14 *Section 3 is amended*

(a) *in subsection (1) by striking out “section 13 (1) (a) or (b)” and substituting “section 13 (1) (a)”,*

(b) *in subsection (2), by striking out “section 13 (1) (a) or (b)” and substituting “section 13 (1) (a)” and by striking out “attend” and substituting “audit”, and*

(c) *by adding the following subsections:*

- (3) A child in grade 10, 11 or 12 registered under section 13 (1) (a) 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 under section 13 (1) (a) 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 under section 13 (1) (a) 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*.

15 *Section 5 is amended*

(a) *by adding the following subsection:*

(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 the student by the school. ,

(b) in subsection (10), by striking out “The principal of a school shall” and substituting “The principal of a school, other than a distributed learning school, must”, and

(c) by adding the following subsections:

(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.

(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.

16 Section 16 is amended by renumbering the section as subsection 16 (1) and adding the following subsection:

(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.