

SCHOOL ACT

appointed by a board as superintendent of schools, assistant superintendent of schools or principal, vice principal or director of instruction;

"teachers' union" means a teachers' union or the Provincial union as defined in the *Public Education Labour Relations Act*;

"trustee" means a member of a board;

"trustee election" means an election for one or more trustees for a trustee electoral area;

"trustee electoral area" means the area from which one or more trustees are to be elected, as established under this or a former Act.

(2) A child who is registered under section 13 is deemed not to be enrolled in an educational program provided by a board or a francophone education authority.

(3) In the context of a distributed learning school, a reference to available space and facilities is to be read as a reference to the capacity of the school to deliver an educational program.

(4) For the purposes of this Act, a student is enrolled in an educational program provided by a board, or a francophone educational program provided by a francophone education authority, even if the student receives only a part of his or her educational program or francophone educational program from that board or francophone education authority.

[1997-52-1 effective Aug. 1/97, BC Reg. 287/97; 1997-52-2 effective Aug. 1/97, BC Reg. 287/97; 1998-34-301 effective Sept. 23/98, BC Reg. 311/98; 1999-8-11 effective June 29/99; 2000-9-53 effective July 7, 2000, B.C. Reg. 243/00; 2000-7-191 effective June 12/00; 2002-3-5 effective Jan. 28/02; 2002-53-1 effective May 30/02; 2002-53-1 effective Jan. 31/02; 2002-53-1 effective July 01/02; 2003-52-482 effective Jan. 1/04, 2004-17-3 effective Apr 29/04, 2006-21-5, effective June 30/06, BC Reg 195/06, 2006-21-6, effective June 30/06, BC Reg 195/06; 2007-20-02, effective July 1/07 and Nov 1, 22007, BC Reg 229/07; 2007-22-03, effective July 1/07, BC Reg 194/07; 2007-46-12, effective May 16/08 BC Reg 103/2008]

PART 2 — STUDENTS AND PARENTS

Division 1 - Students

Access to educational program

2 (1) Subject to section 74.1, a person is entitled to enroll in an educational program provided by the board of a school district if the person

- (a) is of school age, and
- (b) is resident in that school district.

(2) Subject to section 74.1, a person may enroll in an educational program provided by a board of a school district and attend any school in British Columbia if

- (a) the person is of school age,
- (b) the person is resident in British Columbia, and
- (c) the board providing the educational program determines that space and facilities are available for the person at the school in which the educational program is made available.

[2002-53-2 effective July 1/02]

Entry to educational program

3 (1) Subject to subsections (2) and (3), a person who is resident in British Columbia must

- (a) enroll in an educational program

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- (i) provided by a board,
 - (ii) in the case of an eligible child, provided by a board or a francophone education authority, and
 - (iii) in the case of an immigrant child, provided by a board or, if the child is permitted to enroll with a francophone education authority under section 166.24, provided by that francophone education authority,
- on the first school day of a school year if, on or before December 31 of that school year, the person will have reached the age of 5 years, and,
- (b) participate in an educational program provided by a board or, in the case of an eligible child or an immigrant child, by a board or a francophone education authority until he or she reaches the age of 16 years.
- (2) A parent of a child referred to in subsection (1) (a) may defer the enrollment of his or her child until the first school day of the next school year.
- (3) This section does not apply if the person
- (a) is attending one of the following:
 - (i) an independent school;
 - (ii) a Provincial school;
 - (iii) an educational institution operated by the government of Canada or by a 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)
 - (b) is registered under section 13, or
 - (c) is participating in a kindergarten to grade 12 program of studies provided by a treaty first nation under its own laws.

[1997-52-3 effective Aug. 1/97, BC Reg. 287/97; 1999-8-12 effective June 29/99; 2007-46-13, effective May 16/08 BC Reg 103/2008; 2007-41-157, effective Apr 3/08 BC Reg55/2009]

Students in grades 10 to 12

- 3.1 A student in any of grades 10 to 12 who receives instruction through distributed learning may
- (a) enroll in one or more educational programs under section 3, and
 - (b) in addition to enrolling in one or more educational programs under section 3, enroll in an educational program offered by an authority under the *Independent School Act*.

[2006-21-7, effective June 30/06, BC Reg 195/06]

Consultation

- 4 A student is entitled to consult with a teacher or principal, vice principal or director of instruction with regard to that student's educational program.

[1999-53-3, effective May 30/02]

Language of instruction

- 5 (1) Every student is entitled to receive an educational program that is provided in the English language.