



Ministry of  
Education

# Diversity in BC Schools

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## A Framework

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# Diversity in BC Schools

## *A Framework*



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# Introduction

The Government of British Columbia is firmly committed to recognizing and honouring the diversity of all British Columbians. Diversity among people is one of the most prominent features of British Columbia's society and our schools.

*Despite the diversity among them, all these young people have similar educational needs. All of them need to learn how to be economically self-sufficient, how to participate in the lives of their communities, how to understand the world in which they live, how to enjoy the benefits of Canadian society, and how to raise, in turn, the next generation.*

*Our expectations for schools are high. We have, in fact, an ambitious social as well as an educational agenda for them, as we seek to support our social structure in various ways. In the broadest sense, we have long expected schools to serve as agencies for civic and democratic development and as places where our culture and values can be sustained and transmitted to the young.*

*Today we turn to schools to help us enshrine language rights, to preserve diverse cultural heritages, to promote social equality and justice through recognition of individual differences.*

The Report of the Royal Commission on Education,  
A Legacy for Learners, 1988

Over the years, British Columbia has made an increasing commitment to a school system with teaching and operational practices that honour diversity and promote human rights.

The collaborative efforts of many in the development of this document reflect the breadth of interest in and depth of commitment to honouring diversity and promoting human rights in British Columbia schools. During the 1990s, the Consortium on Diversity Education (CODE), made up of representatives from a broad spectrum of partners in education, served as a reference group for Ministry of Education work in diversity and multiculturalism.

The CODE handbook, *Celebrating the Mosaic*, states:

*Educators are increasingly aware of how the characteristics of race, culture and ethnicity; sex and gender; sexual orientation and physical and mental ability – characteristics that are fundamental to the identity of an individual – impact the access to and outcomes of education.*

*These are also the characteristics that are the most likely to make an individual the target of discrimination, harassment and violence...*

*Developing policy and programs specific to promoting acceptance and understanding of these characteristics will support a positive, respectful school culture where other diversities are honoured, diversities such as economic or social status, language, religion, or age.*

*Celebrating the Mosaic:  
A Handbook and Guide to  
Resources for Diversity Education*  
Consortium on Diversity in  
Education (CODE) March 2000

## Rationale

*"Children, it has been said, represent our future – and it is true! Each and every one of them, in their own way, will influence what the world of tomorrow will be like. They will help determine what values and traditions we preserve, what ideas and knowledge we will hold, and, ultimately what we as a society and as a province represent."*

The Report of the Royal Commission on Education, A Legacy for Learners, 1988

*To learn effectively, students need to feel secure and accepted. And staff members, too, have the right to feel safe and secure as they carry out their professional responsibilities.*

*"The school, as one of the institutional bulwarks of democratic life, has a particular responsibility in its teaching and operational practices to ensure that it does not perpetuate traditional kinds of stereotyping or the inequalities they promote."*

The Report of the Royal Commission on Education, A Legacy for Learners (1988)

The *School Act* articulates the purpose of the British Columbia school system: to enable all learners to develop their individual potential and to acquire the knowledge, skills and attitudes needed to contribute to a healthy, democratic and pluralistic society and a prosperous and sustainable economy.

To achieve this purpose, the school system must strive to ensure that differences among learners do not impede their participation in school, their mastery of learning outcomes, or their ability to become contributing members of society.

The school system is expected to promote values expressed in the *Constitution Act*, the *Charter of Rights and Freedoms*, the *Official Languages Act*, the *Multiculturalism Act*, the *BC Human Rights Code*, the *Employment Equity Act* and the *School Act*, respecting the rights of all individuals in accordance with the law.

The school system therefore strives to create and maintain conditions that foster success for all students and that promote fair and equitable treatment for all. These conditions include:

- equitable access to and equitable participation in quality education for all students
- school cultures that value diversity and respond to the diverse social and cultural needs of the communities they serve
- school cultures that promote understanding of others and respect for all
- learning and working environments that are safe and welcoming, and free from discrimination, harassment and violence
- decision-making processes that give a voice to all members of the school community
- policies and practices that promote fair and equitable treatment

British Columbia's school system is making progress in addressing diversity.

School curriculum honours the diversity represented in families, communities, the province, the nation and the world. Because mastery of one of Canada's official languages is central to success in school and beyond, British Columbia provides additional services to students for whom English is not a first language.

British Columbia schools are developing strategies to promote mutual understanding and increased respect for cultural differences, and to take action against racism.

Schools are making an increasing provision for the inclusion of students with special educational needs. Government has made a commitment to improving the success of students of aboriginal origin by addressing the gap between them and their non-aboriginal peers.

The school system is becoming more sensitive to students who are gay, lesbian or trans-gendered, and has begun developing mechanisms to ensure their inclusion and fair treatment in school communities. Research continues to examine ways to ensure that socioeconomic background is not a barrier to quality education and school success.

*The education system has both a responsibility and opportunity to practice what it teaches.*

Addressing the needs of an increasingly diverse population presents an ongoing challenge. The British Columbia school system has a unique responsibility and opportunity to meet this challenge both by *teaching* understanding and respect for all persons, and by *modeling* understanding and respect for all persons in *practice*.

## Purpose

*"Concerns about legal liability are potent driving forces behind the making of policies. Within legal parameters, policies provide a framework for direction of staff; they are evidence that in-depth consideration has been given to the balancing of competing interests; they articulate choices. They are seldom in themselves a complete defence to legal liability, but they are often an important first step in protecting the district from liability."*

*Judith A. Clark*

Keeping Schools Safe: A Practical Guide for Principals and Vice-Principals, Part II: A Legal Framework, June 1999

This document is a conceptual framework. Its purpose is to:

- assist the school system in meeting its obligations under the *Constitution Act*, the *Canadian Charter of Rights and Freedoms*, the *BC Human Rights Code*, the *Multiculturalism Act*, the *Official Languages Act*, the *Employment Equity Act*, and the *School Act*; and
- assist the school system in its ongoing efforts to create and maintain learning and working environments that are responsive to the diverse social and cultural needs of the communities it serves.

This framework document describes key concepts, references guiding legislation and includes important implications for policies, strategies and initiatives in the school system related to:

- honouring diversity and promoting human rights
- preventing discrimination, harassment and violence
- responding to incidents of discrimination, harassment or violence when they occur

It is designed to assist in:

- reviewing existing policies and practices to ensure they are consistent with legislation
- enhancing existing policies and practices to ensure that they address diversity
- developing or implementing new policies and practices to directly address the diverse needs of the people served by the school system

## Content and Organization

*Diversity in BC Schools: A Framework* includes four sections:

**Section One: Diversity in BC Schools** presents key diversity concepts – multiculturalism, human rights, employment equity and social justice. The goals of each of these concepts are outlined and relevant guiding legislation is highlighted.

**Section Two: Provincial Policies, Strategies and Initiatives** describes provincial policies, strategies and initiatives that have been introduced in the school system that address diversity.

**Section Three: Implications for Boards of Education and Schools** contains questions to facilitate discussion and prompt actions that will lead to continually improving policies, procedures and practices to support diversity.

**Section Four: Guiding Legislation** provides easy access to excerpts from legislation that are relevant to concepts presented in *Diversity in BC Schools: A Framework*.

# Section One:

## Diversity in BC Schools

### Honouring Diversity

*Framework for Diversity*

Multiculturalism BC

August 2000

*Adapted with permission*

**Diversity** is an overarching concept that relies on a philosophy of equitable participation and an appreciation of the contributions of all. It is a concept that refers both to our uniqueness as individuals and to our sense of belonging or identification within a group or groups.

Diversity refers to the ways in which we differ from each other. Some of these differences may be visible (e.g., race, ethnicity, gender, age, ability), while others are less visible (e.g., culture, ancestry, language, religious beliefs, sexual orientation, socioeconomic background).

Honouring diversity is based on the principle that if these differences are acknowledged and utilized in a positive way, it is of benefit to the quality of our learning and working environments.

*Embracing diversity is an important aspect of living and learning.*

*Diversity is initially about recognizing, and ultimately about valuing, difference as a resource and a reality of everyday life.*

**Goals or purposes for Diversity include:**

- taking into account visible and less visible differences among individuals and cultural groups
- encouraging understanding, acceptance, mutual respect and inclusion, in order to make school communities and society as a whole more equitable for all people

While there is no legislation that refers specifically to diversity, there are moral and legal, human resource, and financial reasons for honouring diversity and promoting human rights.

Ethical and legal principles are based within legislation as follows:

- The diversity of people is acknowledged and valued (*Canadian Charter of Rights and Freedoms*, 1982; and the *BC Multiculturalism Act*, 1993).
- The dignity of people, as well as protection from harm, is intended to be preserved (*Canadian Charter of Rights and Freedoms*; *BC Human Rights Code*, 1997).
- Fair and equitable treatment should be secured for all people (*BC Human Rights Code*, 1997; *Employment Equity Act*, 1996).

## Supporting Concepts

Diversity is an overarching concept that is supported by the following concepts:

- Multiculturalism
- Human Rights
- Employment Equity
- Social Justice

Important **elements** embedded in all of these concepts, and **purposes or goals** common across them all form a foundation for understanding and addressing diversity.

**Common elements include:** equality, fair treatment, non-discrimination, inclusion and access.

**Common purposes or goals include:** full participation, elimination of barriers to participation, fair and equitable treatment, systems change and attitude change.

In the following pages, some of the important elements of multiculturalism, human rights, employment equity and social justice are briefly described. Guiding legislation is also referenced.

### Guiding Legislation

Section Four provides more detailed excerpts from relevant legislation. Readers should refer to this section for a more in-depth understanding.

*Multiculturalism encourages understanding, acceptance, mutual respect and inclusion, in order to make society more equitable for all people.*

**Multiculturalism** recognizes and values the ethno-cultural diversity of our society. It is an acknowledgement and valuing of diverse ethnic heritages as well as an appreciation and incorporation of diverse approaches to learning and working environments.

Aboriginal Peoples, as the original inhabitants of Canada, distinguish their cultural status from the broader definition of Canada's cultural mosaic acknowledged in the concept of multiculturalism.

**Goals or purposes both for Multiculturalism and for Aboriginal Peoples include:**

- developing cross-cultural understanding to create sensitivity to and respect for difference
- eliminating racism – addressing the effects of historic, organizational, systemic and attitudinal racism by:
  - working to create an awareness of racism
  - educating people about what they can do about racism
  - developing policies and strategies that take action against racism
- eliminating systemic and attitudinal barriers that prevent full and equitable participation in community services, employment and education
  - *systemic barriers* such as policies and practices that intentionally or unintentionally exclude, limit and discriminate against individuals and groups
  - *attitudinal barriers* that create an environment where people may act out their prejudices, assumptions and biases
- developing culturally responsive services to meet the changing needs of the communities they are intended to serve, rather than expecting clients and consumers to adapt to prescribed services as they exist

*The Canadian constitution recognizes the rights of Aboriginal Peoples of Canada (which include Indian, Inuit and Métis groups) in order to protect their culture, customs, traditions and languages.*

### Guiding Legislation

- The *Multiculturalism Act of BC* (1993) respects and recognizes cultural diversity as a part of our society.
- It identifies the goal of fostering a society where there are no barriers to participation in the community, in cultural and political life.
- The *Canadian Charter of Rights and Freedoms* (1982), which comprises Part 1 of the *Constitution Act*, is linked to the *Multiculturalism Act*. Section 27 refers to the “preservation and enhancement of the multicultural heritage of Canadians.”

In addition to guiding legislation for **Multiculturalism**, there is also legislation that relates specifically to the rights of **Aboriginal Peoples**.

### Guiding Legislation

- Part 1 of the *Constitution Act* (1982) contains the *Canadian Charter of Rights and Freedoms*. Section 25 of the Charter makes it clear that other rights contained in the Charter must not interfere with the rights of Aboriginal Peoples.
- Part 2 of the *Constitution Act* (1982) addresses *The Rights of Aboriginal Peoples*. Section 35 (1) recognizes and affirms the existing aboriginal and treaty rights of the Aboriginal Peoples of Canada. Section 35 (4) guarantees these rights equally to male and female persons.

*"The board is ultimately responsible for protecting the fundamental right of every child and youth to be treated with dignity and respect."*

*Fair Schools: Respect, Listening, Advocacy, Participation, Inclusion*

The Office of the Ombudsman  
Public Report No. 35/ May 1995

**Human Rights** is defined as the provision for every individual to have the right to live, work, and learn in an environment free from fear, discrimination and harassment.

Human rights emphasizes the rights of the individual, the responsibilities of employers and service providers, and the need for preventive action.

Human rights policy goals generally focus on prevention, remedial action and correction, and are guided by the principle that human rights violations are harmful to an entire organization and community, and not simply to those who are directly affected.

**Goals or purposes of Human Rights include:**

- preventing discrimination
- correcting persistent patterns of inequality affecting groups
- redressing discrimination against individuals
- providing an effective, efficient and timely remedy for incidents or situations in which human rights are threatened, through a fair process

### Guiding Legislation

Legal obligations with regards to human rights are guided by the *Human Rights Code*, British Columbia (1969, 1973, 1984, 1997) and the *Canadian Human Rights Act* (1976-77, 1985).

Human rights are also linked to the *Canadian Charter of Rights and Freedoms* since the Charter refers to the rights of the individual.

The *BC Human Rights Code* identifies 13 protected grounds. People are protected by virtue of their race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age (applies to persons 19 to 64 years of age), and unrelated criminal or summary convictions.

The *School Act*, Part 2, Division 1, Section 2 Access to educational program – guarantees the rights of persons of school age resident in a school district to enroll in an educational program provided by the board of education.

*Employment equity means more than treating persons in the same way.*

**Employment Equity** is a concept that addresses fair employment practices. It incorporates strategies designed to create a workforce that is, at all levels, representative of the diverse population it serves.

Employment equity is not simply about hiring and recruitment; it means examining practices for promotion, and retaining employees and providing equitable access to opportunities within the organization. The aim is to achieve equality in the workplace so that no person is denied employment opportunities or benefits for reasons unrelated to ability.

**Goals or purposes of Employment Equity include:**

- creating an inclusive work place that provides fair and equitable access for all employees
- encouraging a variety of perspectives, experiences and work styles
- correcting conditions of disadvantage in employment experienced by women, aboriginal people, persons with disabilities, and members of other visible and less visible minorities
- remedying effects of past discrimination through positive policies and practices and making reasonable accommodation measures

### **Guiding Legislation**

Employment Equity is linked to federal and provincial employment standards legislation, and to the *BC Human Rights Code*.

The *Employment Equity Act* (1995) was enacted to achieve equality in the workplace and to correct conditions of disadvantage in employment experienced by certain groups.

Federal legislation and provincial policy focus on four designated groups: women, aboriginal people, visible minorities, and people with disabilities. Some organizations acknowledge that there are other groups that also experience severe employment disadvantage and may include them in organizational employment equity policy statements.

Teachers are governed by the *Teaching Profession Act*, the *School Act*, the *Independent School Act* and also by collective agreements.

*"The principle of inclusion adopted in British Columbia schools supports equitable access to learning by all students and the opportunity for all students to pursue their goals in all aspects of their education."*

Special Education Policy Framework

*Special Education Services: A Manual of Policies, Procedures and Guidelines (2002) p. A2*

*"Children and youth must be encouraged to voice their concerns through an appropriate and constructive process."*

*Fair Schools: Respect, Listening, Advocacy, Participation, Inclusion*

The Office of the Ombudsman  
Public Report No. 35/ May 1995

*"In fact our greatest challenge now is to find meaningful ways to engage students in a cooperative sharing of the responsibility for bringing about change in schools and in society."*

*Darren E. Lund*

*Nurturing Democracy in the Schools: Engaging Youth in Social Justice Activism*

**Social Justice** is a philosophy that extends beyond the protection of rights. Social justice advocates for the full participation of all people, as well as for their basic legal, civil and human rights.

The aim of social justice is to achieve a just and equitable society. It is pursued by individuals and groups – through collaborative social action – so that all persons share in the prosperity of society.

**The goals or purposes of Social Justice include:**

- ensuring that socioeconomic background does not preclude any person from achieving the full benefits of participation in society
- working in a way that acknowledges the complexity of social issues and the need for collaborative action
- engaging individuals and groups who have historically been excluded either from full participation or the sharing of power

### **Guiding Legislation**

Social justice is not legislated in Canada, but its principles are supported by the *Canadian Charter of Rights and Freedoms*, specifically the following:

- section 15 refers to equality rights and protections
- section 27 refers to the preservation and enhancement of multicultural heritage
- section 28 refers to the rights and freedoms that are guaranteed to both male and female persons
- section 35 recognizes and affirms existing aboriginal and treaty rights

The *School Act* – Part 6, Division 2, Section 75 Provision of educational program (1) requires that, subject to the other provisions of the Act and the regulations and to any orders of the minister under the Act, a board of education must make available an educational program to all persons of school age resident in its district who enroll in schools in the district.



## Section Two: Provincial Policies, Strategies and Initiatives

*The Ministry of Education provides overall education leadership in British Columbia.*

The Ministry of Education has been guided by legislation in setting standards and articulating policy for the school system. These standards and policies provide guidance to boards of education and schools for addressing diversity as they deliver education programs.

### Purpose of the British Columbia School System

*The purpose of the British Columbia school system is contained in the School Act.*

The purpose of the British Columbia school system is to enable all learners to develop their individual potential and to acquire the knowledge, skills and attitudes needed to contribute to a healthy, democratic and pluralistic society and a prosperous and sustainable economy.

Continued progress toward our social and economic goals as a province depends upon well-educated people who have the ability to think clearly and critically, and to adapt to change.

Progress toward these goals also depends on educated citizens who accept the tolerant and multi-faceted nature of Canadian society and who are motivated to participate actively in our democratic institutions.

### Attributes of the BC Graduate

*The Graduation Program 2004  
BC Ministry of Education (2003)*

The attributes of the BC graduate describe the knowledge, skills, attitudes and competencies that young people need to succeed as individuals, and as members of our society. In some ways, these attributes have remained constant over the years. They have also evolved to reflect our changing world, and the changing expectations of students, families, communities and employers.

### Intellectual Development

- competency in reading, writing, mathematics, social studies and science, including the ability to use these skills in problem-solving and decision-making
- the ability to use and understand information technologies
- the ability to communicate effectively with a range of audiences; this includes the ability to access, synthesize and present information; it also includes knowledge of both a first and second language

- an understanding and appreciation of artistic and aesthetic expression
- the ability to think critically and solve problems, using information to develop opinions and make sound judgments and decisions
- an understanding of the importance of a lifelong commitment to continuous learning

## **Human and Social Development**

- the knowledge and skill required to be socially responsible citizens who act in caring and principled ways, respecting the diversity of all people and the rights of others to hold different ideas and beliefs
- the knowledge and understanding they need to participate in democracy as Canadians and global citizens, acting in accordance with the laws, rights and responsibilities of a democracy
- the attitudes, knowledge and positive habits they need to be healthy individuals, responsible for their physical and emotional well-being
- the attitudes and competencies they need to be community contributors who take the initiative to improve their own and others' quality of life

## **Career Development**

- the confidence and competencies they need to be self-directed individuals who display initiative, set priorities, establish goals, and take responsibility for pursuing those goals in an ever-changing society
- knowledge and understanding of the range of career choices available to them, the prospects for success in those careers, and the actions required to pursue specific career paths
- experience in planning for, and working toward, career and life goals
- the skills required to work effectively and safely with others, and to succeed both as individual and collaborative workers

## Social Responsibility in BC Schools

*The BC Performance Standards provide a broad framework to assist in monitoring and evaluating a variety of school and classroom programs that aim to enhance how students get along and develop responsible behaviours (e.g., anti-bullying, multiculturalism, anti-racism, cooperative learning).*

**BC Performance Standards  
Social Responsibility –  
A Framework**

BC Ministry of Education (2001)

**Social Responsibility  
Rating Scale**

**Valuing Diversity and  
Defending Human Rights**

**Fully Meets Expectations:**

K to Grade 3

*The student is increasingly interested in fairness; treats others fairly and respectfully.*

Grades 4 to 5

*The student treats others fairly and respectfully; often shows interest in correcting injustice.*

Grades 6 to 8

*The student usually treats everyone fairly and respectfully; tries to be unbiased; shows some support for human rights.*

Grades 8 to 10

*The student is respectful and fair; increasingly willing to speak up or take action to support diversity and defend human rights.*

Human and social development is one of the goals of the British Columbia public school system. This broad goal specifies that students are expected, among other things, to develop a sense of social responsibility, and a tolerance and respect for the ideas and beliefs of others. The public school system's responsibility for achieving this goal is shared with families and communities.

Socially responsible individuals show "community-mindedness" in their responses to school, local, national and global issues and events. This attitude is the basis of a fully functioning and flourishing democratic society.

In school, students have a wide range of opportunities to observe, model, discuss and demonstrate socially responsible behaviour. Social responsibility is sometimes the primary focus of activities (e.g., learning problem-solving steps for conflict resolution; addressing community issues; learning about human rights), but more often it is a secondary focus of other school activities.

## **BC Performance Standards Social Responsibility – A Framework**

The BC Performance Standards for social responsibility provide a framework that schools and families can use to focus and monitor their efforts to enhance social responsibility among students and improve the social climate of their schools. They provide educators, students and families with a common set of expectations for student development in four areas:

- 1. Contributing to the Classroom and School Community**
  - sharing responsibility for their social and physical environment
  - participating and contributing to the class and to small groups
- 2. Solving Problems in Peaceful Ways**
  - managing conflict appropriately, including presenting views and arguments respectfully, and considering others' views
  - using effective problem-solving steps and strategies
- 3. Valuing Diversity and Defending Human Rights**
  - treating others fairly and respectfully; showing a sense of ethics
  - recognizing and defending human rights
- 4. Exercising Democratic Rights and Responsibilities**
  - knowing and acting on rights and responsibilities (local, national, global)
  - articulating and working toward a preferred future for the community, nation and planet – a sense of idealism

## The BC Provincial Curriculum

*K-12 Provincial Curriculum*  
BC Ministry of Education

*Social responsibility is not assigned to a specific grade or curriculum; rather it is a shared responsibility not only among teachers and administrators, but among families and the community as well. The standards for social responsibility do, however, address selected outcomes from several curriculum areas.*

British Columbia's provincially prescribed curricula provide many opportunities for teachers to address diversity. The curriculum guides contain learning outcomes and suggested instructional strategies to develop the skills associated with active citizenship (e.g., defending human rights) and prevention of discrimination, harassment and violence. In particular, the Health and Career Education K to 7 curriculum, Health and Career Education 8 and 9, and Planning 10 curriculum include prescribed learning outcomes related to:

- appropriate and responsible ways of sharing, expressing, or acting on feelings
- effective interpersonal communication strategies
- moral behaviour and standards
- empathy, and its importance in relationships
- the potential consequences for self and others of engaging in unsafe behaviours
- responsibilities associated with friendships
- legal and societal support for abuse prevention
- the various ways in which abuse can manifest itself
- indicators of healthy and abusive relationships

The Planning 10 curriculum also includes learning outcomes and achievement indicators that address healthy relationships, effective communication as well as safe and caring schools.

Social Studies K to 11, First Nations Studies 12, Health and Career Education K to 7, Health and Career Education 8 and 9, and Planning 10 curricula contain learning outcomes related to topics such as:

- honouring the diversity represented in families, the community, British Columbia, Canada and the world
- working collaboratively and respecting diverse viewpoints
- practising physical safety and healthy living
- developing self-esteem and mental well-being

Curricula for language arts, information technology, fine arts (dance, drama, music and visual arts) and second languages contain prescribed learning outcomes related to topics such as:

- recognizing bias and stereotypes, and
- understanding personal/cultural contexts

Social Justice 12 is designed to provide students with knowledge, skills, and an ethical framework to advocate for a socially just world. Goals include:

- enabling students to acquire knowledge that allows them to recognize and understand the causes of injustice

- applying critical thinking and ethical reasoning skills to a variety of social justice issues
- developing an understanding of what it means to act in a socially just manner
- becoming responsible agents of change, making positive contributions toward a socially just world

*Shared Learnings: Integrating BC Aboriginal Content K to 10*  
BC Ministry of Education (1998)

The resource *Shared Learnings: Integrating BC Aboriginal Content K to 10* helps educators promote understanding of BC Aboriginal people and their cultures, values, beliefs, traditions, history and languages.

## Learning Resources

*Evaluating, Selecting, and Managing Learning Resources: A Guide*  
BC Ministry of Education (Revised 2000)

The Ministry of Education has established criteria for selecting learning resources, including criteria for suitability in regards to diversity. The evaluation criteria are grouped under four main areas: content, instructional design, technical design and social considerations.

An examination of a resource for *social considerations* highlights the ways in which the resource might support pro-social attitudes and promote diversity and human rights. It also helps to identify potentially controversial, sensitive or offensive elements that may exist in the content or presentation. Social considerations for learning resource evaluation include:

- gender equity/role portrayal of the sexes
- portrayal of sexual orientation
- references to belief systems
- age portrayals
- socioeconomic references
- political issues bias
- regional bias
- multiculturalism and anti-racism content
- aboriginal culture/roles
- portrayal of special needs
- ethical/legal issues
- language use
- portrayal of violence
- safety standards compliance

Detailed guidelines for each of these *social considerations* assist evaluators in selecting and recommending resources that contain accurate references and positive portrayals.

**Policy Objectives:**

- 1.0 *The Government of British Columbia expects all students to achieve proficiency in the English language.*
- 2.0 *The Government of British Columbia will ensure children whose parents qualify under section 23 of the Canadian Charter of Rights and Freedoms have the opportunity to be educated in French through Programme cadre de français offered by a board of education or the Francophone Education Authority.*
- 3.0 *The Government of British Columbia recognizes that all students, in particular those of aboriginal ancestry, should have the opportunity to learn an aboriginal language whenever possible and to do so with the support of the aboriginal community.*
- 4.0 *The Government of British Columbia encourages opportunities for all students to learn languages that are significant within our communities.*

*Language Education in BC Schools, Policy and Guidelines*

Ministry of Education (1995)

## Language Education

The Language Education Policy is designed to be an integral part of the Kindergarten to Grade 12 Education Plan, and to recognize the official languages of Canada and the growing number of other languages spoken by British Columbians.

To be successful in Canada, students need to be proficient in one of the country's official languages. In British Columbia, the Ministry of Education articulates policy and allocates funding to support schools in providing English as a Second Language (ESL) services. The goals of ESL education are to assist students to become proficient in English, to develop intellectually as citizens, and to achieve the expected learning outcomes of the provincial curriculum.

The Ministry of Education encourages all students to develop language skills that will assist them to live and function more effectively in British Columbia's ethno-culturally diverse environment and in a bilingual Canada.

Learning a new language:

- broadens the social and cultural horizons of students
- promotes the continued vitality of all cultures
- enhances mutual understanding and respect by promoting interaction among students from a variety of language communities and backgrounds
- is essential to the intellectual development and socialization of all students
- contributes to personal growth and cultural enrichment
- provides opportunities to link with the past, our multicultural heritage and our diversity
- serves to prepare our students for the future of British Columbia

## Special Education

*Special Education Services:  
A Manual of Policies, Procedures  
and Guidelines*  
Ministry of Education  
(Revised 2006)

The Ministry of Education Special Education policy framework articulates the principle of inclusion. Inclusion supports equitable access to learning, achievement and the pursuit of excellence – for all students – in all aspects of their educational programs.

To help realize these goals for students with special needs, the education system in British Columbia is provided with supplemental special education funding. This funding helps schools to remove barriers and provide appropriate services and programs to ensure that the school system is:

- equitable
- of high quality
- relevant
- accessible; and
- accountable

for all students, including those with special needs.

## The BC Safe School Strategy – Safe, Caring and Orderly Schools

Increasingly, educators and families believe that the milieu in which students learn makes a critical contribution to the quality of their education.

British Columbia has introduced the *BC Safe Schools Strategy* to help schools and communities celebrate diversity, eliminate discrimination, develop social responsibility, create positive school cultures, promote personal safety, and prevent crime and violence.

The Ministry of Education and its education partners have provided an assortment of materials, resources and training to assist schools, parents and communities with strategies to keep British Columbia schools safe.

A safe and caring school is one in which there is a deep personal commitment to the core social values of justice, respect and compassion. Students must be able to observe and encounter these values in action in their daily lives, especially in the school setting.

*Caring is the cornerstone of a school environment that is free of discrimination, harassment and violence.*

BC Safe, Caring and Orderly Schools website:  
[www.bced.gov.bc.ca/sco](http://www.bced.gov.bc.ca/sco)

*In the fall of 2007, the School Act was amended to make it mandatory for boards of education to establish codes of conduct and ensure that schools within their school district implement the codes.*

*School Act - Section 85 (1.1)*

*Provincial Standards for Codes of Conduct Order - Ministerial Order (M276/07)*

While recognizing the efforts that British Columbia school districts and schools have already undertaken to ensure school climates are as positive as possible, the provincial standards are provided to assist them in developing consistent and coherent policies and practices in their communities.

*Developing and Reviewing Codes of Conduct: A Companion to the Provincial Standards for Codes of Conduct Order and Safe, Caring and Orderly Schools: A Guide (2004) has been created to assist boards of education in meeting their obligation to ensure that codes of conduct in their districts meet the provincial standards and comply with the School Act and the Provincial Standards for Codes of Conduct Order.*

View these and other safe school related resources at: [www.bced.gov.bc.ca/sco/resources.htm](http://www.bced.gov.bc.ca/sco/resources.htm)

British Columbia schools are striving to develop positive, welcoming school cultures and are committed to fostering optimal environments for learning. They strive to:

- develop positive school cultures and focus on prevention
- use school-wide efforts to build “community,” fostering respect, inclusion, fairness and equity
- set, communicate and consistently reinforce clear expectations of conduct
- teach, model and encourage socially responsible behaviours that contribute to the school community, solve problems in peaceful ways, value diversity and defend human rights
- assume responsibility, in partnership with the wider community, for resolving critical safety concerns
- work together to better understand issues such as bullying, harassment and intimidation, racism, sexism and homophobia, and to learn new skills to respond to them
- respond consistently to incidents in a fair and reasoned manner, using interventions that repair harm, strengthen relationships and restore a sense of belonging
- participate in the development of policies, procedures and practices that promote school safety
- monitor and evaluate their school environments for evidence of continuous improvement
- recognize and celebrate achievements, while acknowledging areas that need improvement

Examples of key resources that have been introduced to the system include:

- *Safe, Caring and Orderly Schools: A Guide*
- *Call it Safe: a parent guide for dealing with bullying in elementary schools*
- *Developing and Reviewing Codes of Conduct: A Companion*
- *Call it Safe: a parent guide for dealing with harassment and intimidation in secondary schools*
- *Focus on Bullying: A Prevention Program for Elementary School Communities*
- *Focus on Harassment and Intimidation: Responding to Bullying in Secondary School Communities*
- *Promoting Safer Schools: An Introduction to Effective Behaviour Support (EBS)*
- *Keeping Schools Safe: A Practical Guide for Principals and Vice-Principals*
- *BC Performance Standards: Social Responsibility*
- *Focus on Suspension: A Resource for Schools*

## Section Three: Implications for Boards of Education and Schools

Boards of school trustees, school district officials and other school leaders have a unique responsibility and challenging duty to address increasing diversity in both the educational and operational aspects of schooling.

Education leaders must continually strive to create and maintain learning and working environments that are responsive to the diverse communities they serve. In order to carry out this responsibility, it is important that education leaders examine board of education and school policies, strategies and initiatives to determine how comprehensively the diverse needs of students and employees are being addressed. Areas that require improvement can then be identified and plans made for both system and school-specific change.

### Guiding Questions

*Diversity in BC Schools: A Framework* has been developed to assist education leaders in understanding the implications of existing legislation and provincial policy related to diversity. The following questions are intended to facilitate discussion and prompt actions that will lead to continually improving policies, procedures and practices to support diversity.

### Policies and Procedures

Polices and procedures establish clear expectations for all members of the school community by encouraging appropriate action and providing a basis for sanctions in response to inappropriate action. They encourage pro-active and preventive endeavour as well as remedial and restorative approaches. To be effective, policies and procedures must be regularly reviewed, communicated and implemented.

- Does the board of education/school have a specific policy that addresses diversity and reinforces human rights for all students and employees?
- How do other current district policies promote respect for diversity and human rights consistent with the legislation? Are they regularly communicated to the entire school community?

- To what extent do existing policies and procedures take into account the beliefs, customs, practice, language, behaviours, and physical differences of individuals and groups in the school community?
- How does the board address issues of diversity as it examines existing policies and procedures and develops new ones?
- By what means do board of education/school policies and procedures address the goal that all students feel welcomed, included and safe in the school community?
- By what means do board of education/school policies and procedures address the goal that all employees feel welcomed, included and safe in the school community?
- How have decision-makers established board of education/school standards to ensure that policies and procedures are followed and that all people are accountable for adhering to them?
- In what ways do policies and procedures concerning student and employee conduct encourage preventive and restorative approaches?
- What is the process for students and their parents to seek redress for unfair treatment, harassment or intimidation? Do students and parents perceive it to be accessible and fair?
- What is the process for employees to seek redress for unfair treatment, harassment, or intimidation? Do employees perceive it to be accessible and fair?
- What measures support individuals in seeking help when they or others are at risk for physical or emotional harm?
- What measures are in place to ensure that individuals who suspect or witness incidents or potential acts of violence feel confident that their reports will lead to appropriate action and that necessary support will be provided to them, as well as to others involved?

## School/Instructional Practices

Encouraging practices that address diversity helps create conditions that foster an inclusive, healthy school culture, a nurturing social and emotional environment, and success for students and employees.

- How do board of education/school practices support system-wide and classroom practices that promote human rights and provide opportunities for developing understanding and appreciation of diversity?
- How do practices keep the school environments free from discrimination, harassment and violence? To what extent are these practices carried out in ways that are preventive and restorative as well as remedial?
- To what extent do schools emphasize outcomes of the curriculum that address diversity in instruction? How are these outcomes reinforced across all school environments? Have the performance standards for social responsibility been used as a standard for assessing student learning? Have teachers been provided with the necessary resources to support this work?
- Have the success rates of students from various groups been examined and have inequities been identified? How have disparities and barriers to the success of these students been addressed by the district/schools?
- How do schools help students develop competence in the skills, attitudes and knowledge needed to function in a variety of cultural settings?
- Are teachers encouraged to adjust teaching strategies to take into account differing ways of thinking and responding in educational settings? How are teachers supported in developing skills to do this?
- How are students and staff representatives from diverse groups encouraged to be active participants in system and school initiatives, and in decision-making?
- How is the diversity of the school community recognized and respected in the way employees communicate and work with parents as education partners?

## Staff Development/In-service

The diversity of our society has increased the need for an understanding of diversity and human rights in the workplace. Boards of education, as employers, can support inclusive school cultures by helping employees develop effective educational and operational practices to address increasing diversity in school communities.

- How do school leaders foster staff development of administrators, teachers and support staff in order to respond effectively to an increasingly diverse school community? Is in-service training on diversity-related topics provided for all employees?
- How are teachers encouraged to teach about human rights and citizenship, and to model human rights and citizenship in their school operational and teaching practices? How are teachers supported in learning how to do this?

## Operational Practices

The operational and personnel practices of boards of education and schools are also critical to creating conditions that foster an inclusive, healthy school culture, a nurturing social and emotional environment, and success for students and employees.

- What evidence demonstrates that the operational practices of the school district/school are respectful of all persons?
- To what extent are the physical and social environments of the school district/school supportive of equal access and success for people with diverse needs?
- How does the board of education/school ensure that human and financial resources are allocated in a manner that addresses the diverse needs of students and employees?
- Do employment practices reflect the demographics of the community and student population? What measures are needed to promote progress in this regard?
- How do recruiting, hiring, mentoring and succession planning practices promote employment equity? Have employment practices been reviewed to ensure that they are fair and equitable, and that they attract and retain employees representative of the demographics of the community and student population?

# Guiding Legislation

This section provides easy access to excerpts from legislation that are relevant to concepts presented in *Diversity in BC Schools: A Framework*.

## Contents

1. *Constitution Act*
  - a) *Charter of Rights and Freedoms*
  - b) *Rights of Aboriginal Peoples*
2. *Multiculturalism Act*
3. *BC Human Rights Code*
4. *Employment Equity Act*
5. *Official Languages Act*
6. *School Act (British Columbia), Statement of Education Policy Order, School Regulation*
7. *Provincial Standards for Codes of Conduct Order*

## 1. ***The Constitution Act (1982)*** EXCERPTS

The *Canadian Charter of Rights and Freedoms* is Part I of the Canadian *Constitution Act*. Generally speaking, any person in Canada, whether a Canadian citizen, a permanent resident or a newcomer, has the rights and freedoms contained in the Charter. There are some exceptions. For example, only citizens of Canada have the right to vote, and “the right to enter, remain in and leave Canada.”

### ***Part I The Canadian Charter of Rights and Freedoms***

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

#### *Section 1: Guarantee of Rights and Freedoms*

The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

The Charter sets out those rights and freedoms that Canadians believe are necessary in a free and democratic society, including guarantee of:

- fundamental freedoms,
- democratic rights,
- the right to live and seek employment anywhere in Canada,
- legal rights: the right to life, liberty and personal security,
- equality rights for all,
- the official languages of Canada,
- minority language educational rights,
- Canada’s multicultural heritage, and
- Aboriginal Peoples’ rights.

#### *Section 2: Fundamental Freedoms*

Everyone has the following fundamental freedoms:

- freedom of conscience and religion;
- freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- freedom of peaceful assembly; and
- freedom of association.

Even though these freedoms are very important, governments can sometimes limit them. For example, laws against pornography and hate propaganda are reasonable limits on freedom of expression because they prevent harm to individuals and groups.

#### *Section 15: Equality Rights*

The Supreme Court of Canada has stated that the purpose of section 15 is to protect those groups who suffer social, political and legal disadvantage in society. Discrimination occurs where, for example, a person, because of a personal characteristic, suffers disadvantages or is denied opportunities available to other members of society.

1. Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
2. Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

The courts have held that section 15 also protects equality on the basis of other characteristics that are not specifically set out in it. For example, this section has been held to prohibit discrimination on the grounds of sexual orientation.

At the same time as it protects equality, the Charter also allows for certain laws or programs that favour disadvantaged individuals or groups. For example, programs aimed at improving employment opportunities for women, Aboriginal Peoples, visible minorities, or those with mental or physical disabilities are allowed under section 15 (2).

#### *Section 23: Minority Language Educational Rights*

This section of the Charter requires provincial governments to provide education to Canadians in the official language of their choice, even in areas where a minority of residents speak that language. In all cases, the right to receive an education in a minority language applies only when there is a sufficient number of eligible children to justify providing schooling in that language. Where those numbers do exist, governments must provide the necessary facilities.

#### *Section 25: General*

The Canadian constitution recognizes the rights of Aboriginal Peoples of Canada (which include Indian, Inuit and Métis groups) in order to protect their culture, customs, traditions and languages.

The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal treaty or other rights or freedoms that pertain to the Aboriginal Peoples of Canada including:

- a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763;
- b) any rights or freedoms that now exist by way of land claims agreements or be so acquired; and
- c) any rights or freedoms that may be acquired by the Aboriginal Peoples of Canada by way of land claim settlement.

Section 25 makes it clear that other rights contained in the Charter must not interfere with the rights of Aboriginal Peoples. For example, where Aboriginal Peoples are entitled to special benefits under treaties, other persons who do not enjoy those benefits cannot argue that they have been denied the right to be treated equally under section 15 of the Charter.

#### *Section 27: Multicultural Heritage*

Canadians are proud of the fact that Canada is home to many cultural groups. This feature of our country is officially recognized in section 27.

This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

#### *Section 28: Rights Guaranteed Equally to Both Sexes*

Section 28 makes it clear that both women and men are equally protected under the Charter.

Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons. This principle is also found in section 15.

**Part II *Rights of the Aboriginal Peoples of Canada***

Section 35:

- 1) The existing aboriginal and treaty rights of the Aboriginal Peoples of Canada are hereby recognized and affirmed.
- 2) In this Act, “Aboriginal Peoples of Canada” includes the Indian, Inuit and Métis peoples of Canada.
- 3) For greater certainty, in subsection (1) “treaty rights” includes rights that now exist by way of land claims agreements or may be so acquired.
- 4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

**2. Multiculturalism Act (RSBC 1996) c.321 EXCERPTS*****Purpose of the Act*****2. *The following are the purposes of this Act:***

- a) to recognize that the diversity of British Columbians as regards race, cultural heritage, religion, ethnicity, ancestry and place of origin is a fundamental characteristic of the society of British Columbia that enriches the lives of all British Columbians;
- b) to encourage respect for the multicultural heritage of British Columbia;
- c) to promote racial harmony, cross-cultural understanding and respect the development of a community that is united and at peace with itself;
- d) to foster the creation of a society in British Columbia in which there are no impediments to the full and free participation of all British Columbians in the economic, social, cultural and political life of British Columbia.

***Multiculturalism Policy*****3. *It is the policy of the government to:***

- a) recognize and promote the understanding that multiculturalism reflects the racial and cultural diversity of British Columbians,
- b) promote cross cultural understanding and respect and attitudes and perceptions that lead to harmony among British Columbians of every race, cultural heritage, religion, ethnicity, ancestry and place of origin,
- c) promote the full and free participation of all individuals in the society of British Columbia,
- d) foster the ability of each British Columbian, regardless of race, cultural heritage, religion, ethnicity, ancestry or place of origin, to share in the economic, social, cultural and political life of British Columbia in a manner that is consistent with the rights and responsibilities of that individual as a member of the society of British Columbia,
- e) reaffirm that violence, hatred and discrimination on the basis of race, cultural heritage, religion, ethnicity, ancestry or place of origin have no place in the society of British Columbia,
- f) work toward building a society in British Columbia free from all forms of racism and from conflict and discrimination based on race, cultural heritage, religion, ethnicity, ancestry and place of origin,
- g) recognize the inherent right of each British Columbian, regardless of race, cultural heritage, religion, ethnicity, ancestry or place of origin, to be treated with dignity, and
- h) generally, carry on government services and programs in a manner that is sensitive and responsive to the multicultural reality of British Columbia.

### **3. Human Rights Code, R.S.B.C. 1996, c. 210 EXCERPTS**

#### ***Discrimination and intent***

Discrimination in contravention of this Code does not require an intention to contravene this Code.

#### ***Purposes***

The purposes of this Code are as follows:

- a) to foster a society in British Columbia in which there are no impediments to full and free participation in the economic, social, political and cultural life of British Columbia,
- b) to promote a climate of understanding and mutual respect where all are equal in dignity and rights,
- c) to prevent discrimination prohibited by this Code,
- d) to identify and eliminate persistent patterns of inequality associated with discrimination prohibited by this Code,
- e) to provide a means of redress for those persons who are discriminated against contrary to this Code,
- f) to monitor progress in achieving equality in British Columbia,
- g) to create mechanisms for providing the information, education and advice necessary to achieve the purposes set out in paragraphs (a) to (f).

#### ***Code prevails***

If there is a conflict between this Code and any other enactment, this Code prevails.

The *BC Human Rights Code* identifies 13 protected grounds under the legislation.

People are protected by virtue of their race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age (applies to persons 19 to 64 years of age), and unrelated criminal or summary convictions.

#### **4. Employment Equity Act (1995) EXCERPTS**

The 1995 *Employment Equity Act* and the *Employment Equity Regulations* have been in force since October 24, 1996.

##### **Summary**

The purpose of this enactment is to achieve equality in the workplace and to correct conditions of disadvantage experienced by certain groups.

The enactment applies to the public service of Canada and to federally regulated employers who, and such portions of the public sector as are specified by order in council that, employ one hundred or more employees.

Part I sets out the obligations of an employer and outlines reporting requirements. Employers must identify employment barriers against, and determine the degree of underrepresentation of, certain groups and prepare, implement, review and revise plans to promote employment equity.

Part II sets out mechanisms for enforcing employer obligations.

Part III provides for the assessment of monetary penalties.

Part IV establishes regulation making authority and provides for other general matters.

The enactment also makes consequential amendments to the Broadcasting Act, the Canadian Human Rights Act, the Financial Administration Act and the Public Service Employment Act.

##### **Purpose of the Act**

2. The purpose of this Act is to achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfilment of that goal, to correct the conditions of disadvantage in employment experienced by women, Aboriginal Peoples, persons with disabilities and members of visible minorities by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences.

## **5. Official Languages Act (1985) c. 31 (4th Suppl.) EXCERPTS**

### *Part VII Advancement of English and French*

#### *Government policy*

##### **Section 41.**

The Government of Canada is committed to

- b) fostering the full recognition and use of both English and French in Canadian society.

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#### *Coordination*

#### *Specific mandate of Minister of Canadian Heritage*

##### **Section 43.**

- (1) The Minister of Canadian Heritage shall take such measures as that Minister considers appropriate to advance the equality of status and use of English and French in Canadian society and, without restricting the generality of the foregoing, may take measures to
  - b) encourage and support the learning of English and French in Canada
  - e) encourage and assist provincial governments to provide opportunities for everyone in Canada to learn both English and French

**6. School Act / Statement of Education Policy Order / School Regulation EXCERPTS**

**SCHOOL ACT** (Excerpt)  
 BC Ministry of Education  
 July 14, 2008

***Preamble***

WHEREAS it is the goal of a democratic society to ensure that all its members receive an education that enables them to become literate, personally fulfilled and publicly useful, thereby increasing the strength and contributions to the health and stability of that society;

AND WHEREAS the purpose of the British Columbia school system is to enable all learners to become literate, to develop their individual potential and to acquire the knowledge, skills and attitudes needed to contribute to a healthy, democratic and pluralistic society and a prosperous and sustainable economy;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

**PART 2 - STUDENTS AND PARENTS****Division 1 - Students*****2 Access to educational program***

- (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]

***6 Duties of students***

- (1) A student must comply
  - (a) with the school rules authorized by the principal of the school or Provincial school attended by the student, and
  - (b) with the code of conduct and other rules and policies of the board or the Provincial school.
- (2) A student attending a school or Provincial school must participate in an educational program as directed by the board or by the principal of the Provincial school.

## Division 2 - Parents

### ***7 Parents' entitlements and responsibilities***

- (1) A parent of a student of school age attending a school is entitled
  - (a) to be informed, in accordance with the orders of the minister, of the student's attendance, behaviour and progress in school
  - (b) on request, to the school plan for the school and the achievement contract for the school district, and
  - (c) to belong to a parents' advisory council established under section 8.
- (2) A parent of a student of school age attending a school may, and at the request of a teacher or principal, vice-principal or director of instruction must, consult with the teacher, principal, vice-principal, or director of instruction with respect to the student's educational program. [2002-53-3, effective May 30/02; 2002-53-4, effective July 1/02; OIC 840/06, Effective Dec 1/06; 2007-20-3, November 1, 2007 per BC Reg 229/07]

## Division 3 - Joint Rights and Duties

### ***9 Examination of student records***

- (1) A student and the parents of a student of school age are entitled,
  - (a) on request and while accompanied by the principal or a person designated by the principal to interpret the records, to examine all student records kept by a board pertaining to that student, and
  - (b) on request and on payment of the fee, if any, charged under subsection (2), to receive a copy of any student record that they are entitled to examine under paragraph (a).
- (2) A board may, for any copies of student records provided under subsection (1) (b), charge a fee that does not exceed the cost to the board of providing the copies.

### ***10 Liability for damage to property***

If property of a board or a francophone education authority is destroyed, damaged, lost or converted by the intentional or negligent act of a student or a francophone student, that student and that student's parents are jointly and severally liable to the board or francophone education authority in respect of the act of that student. [1997-52-4 effective Aug. 1/97, BC Reg. 287/97]

## ***11 Appeals***

- (1) In subsections (2) and (4), "decision" includes the failure of an employee to make a decision.
- (2) If a decision of an employee of a board significantly affects the education, health or safety of a student, the parent of the student or the student may, within a reasonable time from the date that the parent or student was informed of the decision, appeal that decision to the board.
- (3) For the purposes of hearing appeals under this section, a board must, by bylaw, establish an appeal procedure.
- (4) A board may refuse to hear an appeal under this section unless the appellant discusses the decision under appeal with one or more persons as directed by the board.
- (5) A board may establish one or more committees for the purpose of investigating appeals under this section.
- (6) A board may make any decision that it considers appropriate in respect of the matter that is appealed to it under this section, and, subject to section 11.1(2), the decision of the board is final.

(7) A board must

- make a decision under this section within 45 days of the date on which the board receives the appeal, and
- promptly report that decision to the person making the appeal. [2007-20-06, BC Reg 24/08, effective March 3, 2008]

#### ***11.1 Appeals to superintendent of achievement***

- Subject to the regulations, a decision of a board made under section 11 (6) or a reconsideration by a board under section 11.5 may be appealed to a superintendent of achievement.
- An appeal under this section is a new hearing.
- An appeal under this section does not suspend the operation of a decision under appeal unless the superintendent of achievement otherwise orders under section 11.3. [2007-20-07, BC Reg 24/08, effective March 3, 2008]

#### ***11.2 Powers and duties of superintendent of achievement on appeal***

- On receipt of an appeal under section 11.1, a superintendent of achievement may
  - refer the matter for mediation or adjudication, to a mediator or adjudicator under contract with the minister or a person designated by the minister, or
  - summarily dismiss all or part of the appeal.
- A superintendent of achievement must exercise the discretion under subsection (1) in accordance with guidelines established by the minister.
- If a superintendent of achievement has referred a matter for mediation, the superintendent of achievement may refer the matter to an adjudicator for determination if
  - mediation is unsuccessful in bringing about agreement between the parties, or
  - a party so requests.
- A superintendent of achievement may, subject to the orders of the minister, establish practices and procedures for the purposes of subsection (1). [2007-20-12, BC Reg 24/08, effective March 3, 2008]

#### ***11.5 Reconsideration by board***

If an adjudicator refers a matter back to a board under section 11.4 (1) (b), the adjudicator may

- request that the board review specific issues in its reconsideration, and
- require the board to complete its reconsideration by a certain date.

#### ***11.6 Decision final***

A decision of a superintendent of achievement under section 11.2 (1) (b), or of an adjudicator under section 11.4 (1), is final and binding on the parties. [2007-20-12, BC Reg 24/08, effective March 3, 2008]

## PART 3 - SCHOOL PERSONNEL

### Division 1 - General

#### **26 Powers to suspend**

A principal, vice principal or director of instruction of a school or the superintendent of schools may suspend a student of the school if

- (a) the rules made under section 85 (2) (c) by the board operating the school do not provide otherwise, and
- (b) the suspension is carried out in accordance with those rules. [2002-53-13, effective May 30/02]

## PART 6 - BOARDS OF EDUCATION

### Division 2 - Powers and Duties

#### **73 Establishment and closure of schools**

- (1) A board may
  - (a) subject to the orders of the minister, open, close or reopen a school permanently or for a specified period of time, and
  - (b) temporarily close a school building if the health or safety of the students is endangered.

#### **75 Provision of educational program**

- (1) Subject to the other provisions of this Act and the regulations and to any orders of the minister under this Act, a board must make available an educational program to all persons of school age who enroll in a school in the district.
- (2) A board may provide an educational program to persons referred to in subsection (1)
  - (a) in its own school district, or
  - (b) with the consent of a parent of the person referred to in subsection (1), in another school district or in a francophone school district.
- (3) A board complies with subsection (1) if
  - (a) the educational program is provided by the board,
  - (b) with the approval of the minister, the educational program is provided by a Provincial school, or
  - (c) with the agreement of one or more other boards or a francophone education authority, and with any consent required under subsection (2) (b), the educational program is provided
    - (i) in full by another board or by the francophone education authority, or
    - (ii) in part by one or more other boards or the francophone education authority, and the remainder of the educational program, if any, is provided by the board.
- (4) Subject to section 74.1, a board may assign and reassign students to specific schools or to educational programs referred to in subsection (3).
  - (4.1) A board may provide all or part of an educational program by means of distributed learning only with the prior agreement of the minister.
  - (5) *REPEALED 2002-53-19 effective July 1, 2002.*
  - (6) A board may recognize as part of a student's educational program an educational activity that is not provided by the board.
  - (7) Subject to the regulations, a board
    - (a) is responsible for evaluating all of the educational programs and services provided by the board, including services provided under an agreement under section 86 (1) (a), and
    - (b) must have students assessed and evaluated by a member of the college.

- (8) A board may, in accordance with any terms and conditions specified by the board, permit a person who is older than school age
  - (a) to attend an educational program, or
  - (b) to enroll and receive instruction in an educational program sufficient to meet the general requirements for graduation.

### **76 Conduct**

- (2) The highest morality must be inculcated, but no religious dogma or creed is to be taught in a school or Provincial school.
- (3) The discipline of a student while attending an educational program made available by a board or a Provincial school must be similar to that of a kind, firm and judicious parent, but must not include corporal punishment.

### **85 Power and capacity**

- (1) For the purposes of carrying out its powers, functions and duties under this Act and the regulations, a board has the power and capacity of a natural person of full capacity.
- (1.1) Without limiting subsection (1), a board must, subject to this Act and the regulations, and in accordance with Provincial standards established by the minister, establish a code of conduct for students enrolled in educational programs provided by the board.

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## **PART 9 - GENERAL**

### **Division 1 - Ministry of Education**

#### **168 Jurisdiction of minister**

- (2) The minister may make orders for the purpose of carrying out any of the minister's powers, duties or functions under this Act and, without restriction, may make order (s.1) establishing Provincial standards for a code of conduct required under section 85 (1.1)

### **Division 6 - Offences**

#### **177 Maintenance of order**

- (1) A person may not disturb or interrupt the proceedings of a school or an official function.
- (2) A person who is directed to leave the land or the premises of a school by a principal, vice-principal, director of instruction or a person authorized by the board to make that direction
  - (a) must immediately leave the land and premises, and
  - (b) must not enter on the land and premises again except with prior approval from the principal, vice-principal, director of instruction or a person who is authorized by the board to give that approval.
- (3) A person who contravenes subsection (1) or (2) commits an offence.
- (4) A principal, vice-principal, director of instruction or a person authorized by the board may, in order to restore order on school premises, require adequate assistance from a peace officer.

**STATEMENT OF EDUCATION POLICY ORDER (Excerpt)**

BC Ministry of Education

October 1, 2007

**Mandate for the School System Province of British Columbia**

**Part A: Mission Statement**

The purpose of the British Columbia school system is to enable learners to develop their individual potential and to acquire the knowledge, skills, and attitudes needed to contribute to a healthy society and a prosperous and sustainable economy.

**Part B: General Policies for the School System**

**The Educated Citizen**

A quality education system assists in the development of human potential and improves the well being of each individual person in British Columbia society. .....

Government is responsible for ensuring that all of our youth have the opportunity to obtain high quality schooling that will assist in the development of an educated society. To this end, schools in the province assist in the development of citizens who are:

- thoughtful, able to learn and to think critically, and who can communicate information from a broad knowledge base;
- creative, flexible, self-motivated and who have a positive self image;
- capable of making independent decisions;
- skilled and who can contribute to society generally, including the world of work;
- productive, who gain satisfaction through achievement and who strive for physical well being;
- cooperative, principled and respectful of others regardless of differences;
- aware of the rights and prepared to exercise the responsibilities of an individual within the family, the community, Canada, and the world.

**Part C: Policy Statement on Public Schools**

**Goals of Education**

***Prime Goal of Public Schools – Supported by the Family and Community***

- *Intellectual Development* – to develop the ability of students to analyze critically, reason and think independently, and acquire basic learning skills and bodies of knowledge; to develop in students a lifelong appreciation of learning, a curiosity about the world around them and a capacity for creative thought and expression.

***Goals that are shared among Schools, the Family and Community***

Schools are expected to play a major role, through learning experiences and supervised practice, in helping students to achieve the following goals:

- *Human and Social Development* – to develop in students a sense of self-worth and personal initiative; to develop an appreciation of the fine arts and an understanding of cultural heritage; to develop an understanding of the importance of physical health and well being; to develop a sense of social responsibility, and a tolerance and respect for the ideas and beliefs of others.
- *Career Development* – to prepare students to attain their career and occupational objectives; to assist in the development of effective work habits and the flexibility to deal with change in the workplace.

### Duties, Rights and Responsibilities

Students: have the opportunity to avail themselves of a quality education consistent with their abilities, the opportunity to share in the shaping of their educational programs, and the opportunity to determine their career and occupational goals. They have a responsibility to make the most of their opportunities, to respect the rights of others, and to cooperate with fellow students in the achievement of their goals.

#### SCHOOL REGULATION (BC Reg 265/89) (Excerpt)

November 26, 2007

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

#### 4. Duties of teachers

- (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;
- (f) encouraging the regular attendance of students assigned to the teacher;

#### 5. Powers and duties of principals, vice principals or directors of instruction

- (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.
- (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. [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]

## **7. Provincial Standards for Codes of Conduct Order**

Authority: *School Act*, sections 85(1.1) 168 (2) (s.1)

Ministerial Order 276/07 (M276/07).....Effective October 17, 2007  
Orders of the Minister of Education

1. In this order “**board**” includes a francophone education authority as defined in the *School Act*.
2. Boards must, in accordance with this order, establish one or more codes of conduct for the schools within their school district and ensure that the schools within their school district implement the codes.
3. When establishing codes of conduct, boards must consider the results of the consultations undertaken by schools within its school district at the school level with individuals or groups the school consider are representative of
  - (a) employees of the board,
  - (b) parents, and
  - (c) students
4. Boards must ensure that schools within their school district
  - (a) make codes of conduct available to the public;
  - (b) distribute the codes of conduct at the beginning of the school year to
    - (i) employees of the board at the school, parents of students attending the school, and
    - (ii) students attending the school
  - (c) provide codes of conduct to employees of the board who are assigned to a school during the school year when they are so assigned;
  - (d) provide the codes of conduct to students who start attending a school during the school year and their parents when the students start attending the school;
  - (e) display the codes of conduct in a prominent area in the school.
5. Boards must ensure that schools within their school district review the codes of conduct annually with individuals or groups the schools consider are representatives of
  - (a) employees of the board,
  - (b) parents, and
  - (c) studentsto assess the effectiveness of the codes of conduct in addressing current school safety issues.
6. Boards must ensure that the following elements are included in their codes of conduct:
  - (a) one or more statements that address the prohibited grounds of discrimination set out in the BC Human Rights Code in respect of discriminatory publication and discrimination in accommodation, service and facility in the school environment;
  - (b) a statement of purpose that provides a rationale for the code of conduct, with a focus on safe, caring and orderly school environments;
  - (c) one or more statements about what is
    - i. acceptable behaviour, and
    - ii. unacceptable behaviour, including aggressive behaviours such as bullying behaviours while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school environment;

- (d) one or more statements about the consequences of unacceptable behaviour, which must take account of the student's age, maturity and special needs, if any;
- (e) an explanation that the board will take all reasonable steps to prevent retaliation by a person against a student who has made a complaint of a breach of a code of conduct.

7. Further to section 6(c), boards must do the following in the statements about consequences of unacceptable behaviour:

- (a) whenever possible and appropriate, focus on consequences that are restorative in nature rather than punitive, and
- (b) include an explanation that special considerations may apply to students with special needs if these students are unable to comply with a code of conduct due to having a disability of an intellectual, physical, sensory, emotional or behavioural nature.

BC Ministry of Education  
Governance and Legislation Branch  
October 23, 2007  
E-87.2

