

SUMMARY OF BC HOMESCHOOL LEGISLATION

As of February 2020

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1. All BC children from ages 6 to 16 must be either enrolled in an approved educational program provided by a board, independent school, Provincial school, the government of Canada or a First Nations authority OR registered as homeschoolers. (*School Act*, section 3)
2. Parents can choose not to enrol their children but must provide an educational program (*School Act*, section 12)
3. For registered homeschoolers, an educational program is “an organized set of learning activities” that **in the parent’s opinion**, “is designed to enable 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”. (*School Act*, section 1, definition of “educational program”)
4. A parent who chooses to provide their own educational program must register on or before Sept 30 each year with a school of their choice in BC, a francophone school in their district, or an independent school. Independent schools are not obligated to register homeschoolers, but if they do, they have similar obligations to provide access to evaluation and assessment as public schools (they can choose whether to offer educational resource materials, unlike public schools, which must offer them). A person who contravenes the requirement to register commits an offence. (*School Act*, section 13; *Independent School Act*, section 10; *Independent School Regulation* 262/89, section 6)
5. Boards/education authorities must ensure that the principal, vice principal or director of instruction of schools and francophone schools registers a child as a homeschooler if asked to do so (*School Act*, section 13(2))
6. There is no requirement for parents registering their child under section 13 to submit learning plans, progress reports or other evaluations to the Ministry of Education, boards or schools; neither is there any requirement to follow BC curriculum. A school or board that requests any of the above is exceeding its jurisdiction.
7. A public school that registers a child under section 13 must offer the child evaluation and assessment services sufficient to enable **the parents** of the child to determine the educational progress achieved by the child in relation to students of similar age and ability. They must also offer the loan of educational resource materials that are authorized and recommended by the minister, which, in the board's opinion, are sufficient to enable the child to pursue his or her educational program, and which will be offered to the child on a similar basis to the offer

of such educational resource materials to students. (*School Act*, section 13(3); School Regulation 265/89, sections 1 and 3(1))

8. Educational resource materials that must be offered to section 13 registered children do not include 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 personal use, personal clothing for school activities such as gym strip, footwear, outerwear or personal safety equipment (School Regulation 265/89, section 1(2))
9. An independent school that chooses to register a child under section 13 of the *School Act* and section 10(1) of the *Independent School Act* must offer, free of charge, the evaluation and assessment services normally offered to students by the independent school in which the child is registered. The school may also loan authorized and recommended educational resource materials provided by the Ministry of Education, or learning materials used by the students of the independent school, that, in the school's opinion, are sufficient to enable the child to pursue his or her educational program. The independent school may require a deposit for the loan of educational resource materials and learning materials. (Independent School Regulation 262/89, section 6(1) & (2))
10. With a board's permission, a section 13 registered child may *audit* educational programs offered by the board, subject to terms and conditions set by the board, including payment of fees. (School Regulation 265/89, section 3(2))
11. If a board charges fees for auditing or requires deposits for loan of educational resource materials, the board must publish a schedule of the fees to be charged and deposits required and must make the schedule available to students and to children registered under section 13 and to the parents of those students and children before the beginning of the school year. (*School Act*, section 82(4), (6))
12. The minister may reimburse a student or a child registered under section 13 for expenses incurred for instruction, examination or certification with respect to an educational activity or a category of educational activities designated by the minister, in the amount established by the minister, if the student or child is of school age, ordinarily resident in BC, and demonstrates a standard of achievement, satisfactory to the minister, in the designated educational activity or category of activities. (*School Act*, section 168.1)
13. A section 13 registered child in grade 10, 11 or 12 may enrol in **all or part of** a Distributed Learning educational program offered by a board or independent school, without losing their registered status. Note there are no limits placed on number of courses or number of Distributed Learning programs. Accordingly, anyone limiting how many DL courses a gr. 10-12 homeschooler can take from any source is exceeding their jurisdiction. It is possible that such "maximums" that have cropped up are artifacts of the computer systems in use, which need adjustment to appropriately record a broader range of DL enrolment combinations and facilitate reporting them to a student's designated "school of record" for transcript recording. (School Regulation 265/89, section 3(3); Independent School Regulation 262/89, section 6(3))

14. A section 13 registered child who enrolls in an educational program offered by a school or independent school that is not delivered by Distributed Learning loses their registered status and is enrolled with that board/school. (School Regulation 265/89, sections 3(4) and 3(5); Independent School Regulation 262/89, section 6(4) & (5))
15. If a person believes that a homeschooled child is not properly registered under section 13 of the *School Act*, they can report their belief to the superintendent of schools for the school district where the child lives. (*School Act*, section 14(1))
16. If a person believes that a child being educated under section 12 is not receiving an educational program, they can report their belief to either the superintendent of schools for the school district where the child lives, or in the case of a child registered under section 13 with a francophone school, to the directeur général of the francophone education authority for the francophone school district where the child resides. (*School Act*, section 14(1.1))
17. Upon receipt of a report under section 14 of the *School Act*, the superintendent or directeur général must take action as required by orders of the minister. (*School Act*, section 14(2))
18. A superintendent who receives a report of non-registration shall investigate the report, and shall discuss the report with the parent, advise the parent of the obligation to report, and if the parent refuses to register, the superintendent shall inform the local police of the offence. (Ministerial Order M151/89, section 1)
19. A superintendent who receives a report that a child is not receiving an educational program shall investigate the report, and shall discuss the report with the parent. The superintendent may request the assistance of a director designated under the *Child, Family and Community Services Act* in the conduct of the investigation. (Ministerial Order M151/89, section 2(1) and 2(2))
20. If, after investigation, a superintendent believes that a child is not receiving an educational program AND that the child is in need of protection, the superintendent shall report that belief to a director designated under the *Child, Family and Community Services Act*. (Ministerial Order M151/89, section 2(3))
21. The superintendent shall provide a director designated under the *Child, Family and Community Services Act* with advice on educational matters pertaining to the child under investigation by the superintendent. (Ministerial Order M151/89, section 2(4)).

BC HOMESCHOOL LAWS, REGULATIONS & MINISTERIAL ORDERS

Cut & pasted from noted websites [Notes by Melanie Wilkins-Ho]

Feb 6, 2020

School Act, section 3 [Duty to enrol does not apply if registered under s13]

http://www.bclaws.ca/civix/document/id/complete/statreg/96412_02#section3

- 3 (1) Subject to subsections (2) and (3), a person who is resident in British Columbia must
- (a) enrol in an educational program
 - (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 enrol 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 enrolment 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.

School Act, section 12 [Right to homeschool & Duty to provide educational program]

http://www.bclaws.ca/civix/document/id/complete/statreg/96412_02#section12

- 12 A parent of a child who is required to enrol in an educational program under section 3
- (a) may educate the child at home or elsewhere in accordance with this Division, and
 - (b) must provide that child with an educational program.

School Act, section 1, Definitions and interpretation [Definition of educational program]

http://www.bclaws.ca/civix/document/id/complete/statreg/96412_01#section1

1 (1) In this Act:

"educational program" means an organized set of learning activities that, in the opinion of

- (a) the board, in the case of learning activities provided by the board,
- (a.1) the francophone education authority, in the case of learning activities provided by the francophone education authority,
- (b) the minister, in the case of learning activities in a Provincial school, or
- (c) the parent, in the case of learning activities provided to a child registered under section 13,

is designed to enable 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

School Act, section 13 [Parent's duty to register & school's duty to register and provide access to educational services]

http://www.bclaws.ca/civix/document/id/complete/statreg/96412_02#section13

13 (1) A parent of a child who is required under section 12 to provide the child with an educational program must register the child on or before September 30 in each year with

- (a) a school of the parent's choice that is operating in British Columbia,
 - (a.1) if the child is an eligible child, a school referred to in paragraph (a) or (c), or a francophone school of the parent's choice that is operating in the francophone school district in which the parent resides,
 - (a.2) if the child is an immigrant child, a school referred to in paragraph (a) or (c), or a francophone school of the parent's choice that is operating in the francophone school district in which the parent resides but only if the francophone education authority responsible for that school permits the parent to register that child, or
- (b) [Repealed 2006-21-8.]
- (c) an independent school operating in British Columbia.

(2) If, in accordance with subsection (1), a parent is entitled to register his or her child with a school or, in the case of an eligible child or immigrant child, with a francophone school,

(a) the board that has jurisdiction over the school must ensure that the principal, vice principal or director of instruction responsible for that school registers the child, or

(b) the francophone education authority that has jurisdiction over the francophone school must ensure that the francophone principal, francophone vice principal or francophone director of instruction of that francophone school registers the child.

(3) A school or francophone school that registers a child under this section must provide the child with access to educational services in accordance with the regulations.

(4) A person who contravenes subsection (1) commits an offence.

School Reg 265/89, section 3 Home Education [Evaluation, assessment & resources; auditing board programs; gr 10-12 homeschoolers and DL]

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/265_89#section16

3 (1) A school or francophone school that registers a child under section 13 of the Act must offer

(a) evaluation and assessment services sufficient to enable the parents of the child to determine the educational progress achieved by the child in relation to students of similar age and ability, and

(b) the loan of educational resource materials that are authorized and recommended by the minister,

(i) which, in the board's opinion, are sufficient to enable the child to pursue his or her educational program, and

(ii) which will be offered to the child on a similar basis to the offer of such educational resource materials to students.

(2) With the permission of a board, a child registered in a school or francophone school under section 13 of the Act may audit educational programs offered by the board subject to any terms and conditions established by the board, including the payment of any fee.

(3) A child in grade 10, 11 or 12 registered in a school, francophone school or independent school under section 13 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 in a school, francophone school or independent school under section 13 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 in a school, francophone school or independent school under section 13 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*](#).

School Reg 265/89, section 1(2) [Definition of educational resource materials]

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/265_89#section16

"educational resource materials" means

(a) information, represented or stored in a variety of media and formats, that is used for instruction in an educational program including, without limitation, the materials referred to in section 3 of Ministerial Order 333/99, the Educational Program Guide Order, and

(b) materials and equipment necessary to meet the learning outcomes or assessment requirements of an educational program provided by a board

but does not include

(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 personal use, and

(d) appropriate personal clothing for school activities such as gym strip, footwear, outerwear and personal safety equipment

School Act, section 82 [Duty to publish schedule of fees & deposits]

82 (1) A board must provide free of charge to every student of school age resident in British Columbia and enrolled in an educational program in a school operated by the board,

(a) instruction in an educational program sufficient to meet the general requirements for graduation,

(b) instruction in an educational program after the student has met the general requirements for graduation, and

(c) educational resource materials necessary to participate in the educational program.

(2) For the purposes of subsection (1), a student is resident in British Columbia if the student and the student's guardian are ordinarily resident in British Columbia.

(2.1) Subject to subsection (2.2), if a board permits a student who is older than school age and is ordinarily resident in British Columbia to enrol in an educational program leading to graduation, the board must provide free of charge to that student

(a) instruction in an educational program sufficient to meet the general requirements for graduation, and

(b) educational resource materials necessary to participate in the educational program.

- (2.2) Subsection (2.1) does not apply to a student who has
- (a) already met the general requirements for graduation, or
 - (b) completed the requirements for graduation from a secondary school or high school in another jurisdiction.
- (3) Subject to subsections (1) and (2.1), section 82.4 and the orders of the minister, a board may charge fees for goods and services provided by the board.
- (4) A board may require a deposit for educational resource materials provided to students and to children registered under section 13.
- (5) If a board requires a deposit under subsection (4), it must refund all or part of the deposit to the student or child on return of the educational resource materials.
- (6) A board must publish a schedule of the fees to be charged and deposits required and must make the schedule available to students and to children registered under section 13 and to the parents of those students and children before the beginning of the school year.
- (7) Except as provided in an agreement under section 75 (4.1), a board is not responsible to pay for any educational activity undertaken by a student that is not provided by the board.

School Act, section 14 [Reporting unregistered homeschoolers & lack of educational program]

www.bclaws.ca/civix/document/id/complete/statreg/96412_02#section13

- 14** (1) A person who believes that a child who is required to be registered under section 13 is not so registered may report that belief to the superintendent of schools for the school district in which that child resides.
- (1.1) A person who believes that a child who is being educated in accordance with section 12 is not receiving an educational program may report that belief
- (a) in the case of a child registered under section 13 with a francophone school, to the directeur général of the francophone education authority for the francophone school district in which that child resides, and
 - (b) in the case of a child registered under section 13 with a school, an independent school or the minister, to the superintendent of schools for the school district in which that child resides.
- (2) On receipt of a report under this section, the superintendent or directeur général must take such action as is required by the orders of the minister.
- (3) No action lies against
- (a) a person making a report under subsection (1) or (1.1), or
 - (b) the superintendent or directeur général in respect of an action taken under subsection (2)
- unless the report is made or the action is taken maliciously.

Ministerial Order M151/89, Investigation by Superintendent

<https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/manual-of-school-law/school-act-ministerial-orders>

Investigation of registration

1 (1) Where a superintendent of schools receives a report that a child who is required to be registered under section 13 of the *School Act* is not so registered, the superintendent shall investigate the report and shall discuss the report with a parent of the child.

(2) If the superintendent of schools determines that the child is not registered as required by section 13 of the *School Act*, the superintendent shall advise a parent of the child of the obligation to register.

(3) If the parent of the child refuses to register the child then the superintendent of schools shall inform the police having jurisdiction over the area in which the parent resides.

Investigation of educational program

2 (1) Where a superintendent of schools receives a report that a child who is being educated in accordance with section 12 of the *School Act* is not receiving an educational program, the superintendent shall investigate the report and shall discuss the report with a parent of the child.

(2) A superintendent of schools investigating a report under subsection (1) may request the assistance of a director designated under the *Child, Family and Community Service Act* in the conduct of the investigation.

(3) Where, after investigation, the superintendent of schools believes that a child is not receiving an educational program and that the child is in need of protection, the superintendent shall report that belief to a director designated under the *Child, Family and Community Service Act*.

(4) The superintendent of schools shall provide a director designated under the *Child, Family and Community Service Act* with advice on educational matters pertaining to the child under investigation.

INDEPENDENT SCHOOL ACT, Section 10

http://www.bclaws.ca/civix/document/id/complete/statreg/96216_01#section10

Registration of home schooled children

10 (1) An independent school, for which an authority holds a subsisting certificate of group classification, may register a child who is being educated at home.

(2) An independent school that registers a child under this section must provide the child with access to educational services in accordance with the regulations.

(3) An authority holding a certificate of group 1 or group 2 classification for an independent school that registers a child under this section is entitled to receive a grant as determined by the minister.

INDEPENDENT SCHOOL REGULATION 262/89

http://www.bclaws.ca/civix/document/id/complete/statreg/262_89#section6

Home schooled children

- 6** (1) An independent school that registers a child under section 10 of the Act
- (a) must offer, free of charge, the evaluation and assessment services normally offered to students by the independent school in which the child is registered, and
 - (b) may loan
 - (i) authorized and recommended educational resource materials provided by the Ministry of Education that, in the school's opinion, are sufficient to enable the child to pursue his or her educational program, or
 - (ii) learning materials used by the students of the independent school that, in the school's opinion, are sufficient to enable the child to pursue his or her educational program.
- (2) The independent school may require a deposit for the loan of educational resource materials and learning materials under subsection (1) (b).
- (3) A child in grade 10, 11 or 12 registered under section 10 of the Act may enroll in all or part of an educational program that is
- (a) offered by an independent school or a board, and
 - (b) delivered through distributed learning.
- (4) If a child registered under section 10 of the Act enrolls in educational programs offered by an independent school that are not delivered through distributed learning, the child ceases to be registered under section 10 of the Act and is enrolled as a student with the independent school.
- (5) If a child registered under section 10 of the Act enrolls in educational programs offered by a board that are not delivered through distributed learning, the child ceases to be registered under section 10 of the Act and is enrolled as a student with the board under the [*School Act*](#).

School Act, section 168.1 [Reimbursement for designated educational activities]

http://www.bclaws.ca/civix/document/id/complete/statreg/96412_11#section168.1

168.1 The minister may reimburse a student or a child registered under section 13 for expenses incurred for instruction, examination or certification with respect to an educational activity or a category of educational activities designated by the minister, in the amount established by the minister, if the student or child

- (a) is of school age,
- (b) is resident in British Columbia, within the meaning of section 82 (2), and
- (c) demonstrates a standard of achievement, satisfactory to the minister, in the designated educational activity or category of educational activities.

Order in Council 1280/89 [Mandate for the School System]

<https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/manual-of-school-law/school-act-related-regulations-and-orders-in-council>

Part D: Policy Statement on Independent Schools and Home Schooling

General Policy

Government recognizes and supports the principle of independent schooling in order to provide parents with alternatives to public schools. Government provides financial support for those schools that meet specified standards in a number of areas including curriculum and teacher certification consistent with the provisions of the *Independent School Act*.

Rights and Responsibilities

Parents: have a right to enroll their children in a registered independent school of their choice. Parents have a corresponding responsibility to ensure that the curriculum and programs being offered by the school are of suitable quality.

Parents may choose to school their children at home provided that certain conditions are satisfied. If they choose home schooling, they have a responsibility to register their children in a public school, an independent school, or a regional correspondence school. Home schooled students and their parents will be offered educational services including assessment, access to learning materials and record keeping. Parents have a responsibility to ensure that children are provided with a healthy and supportive environment necessary for learning.

Independent School Authorities: have a duty to determine policies and curriculum in accordance with specified powers. They have a responsibility to register with the Ministry of Education and to provide the Ministry with appropriate information.

The Ministry of Education: has a duty to determine policies for independent education in accordance with specified powers and duties. The Ministry has a responsibility to ensure that these regulations and policies are implemented.