

Student safety provisions
in the *School Act*, Regulations, and Ministerial Orders

Teachers' and principals' responsibilities

Teachers' duties include providing such assistance as the board or principal considers necessary for the supervision of students on school premises and at school functions. Teachers' duties also include 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. (**School Regulation**, sections 4(1)(b) and (c))

The principal of a school is responsible for administering and supervising the school, including 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. The principal exercises paramount authority within the school, in accordance with the policies of the board, in matters concerning the discipline of students. (**School Regulation**, section 5(7)(g))

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. (**School Act**, section 76(3))

Teacher conduct and competence

If a board suspends or dismisses a teacher, or disciplines a teacher for misconduct that involved physical harm, sexual abuse or exploitation, or significant emotional harm to a student or minor, the board must notify the superintendent of schools who must report the matter to the Commissioner appointed under the *Teachers Act*. The superintendent must also report to the Commissioner if he or she considers the conduct or competence of a teacher to be in breach of the certification standards established under the *Teachers Act*. (**School Act**, section 16)

Similarly, if a board suspends or dismisses a superintendent or schools, or disciplines a superintendent for the type of misconduct referred to above, the board must report the matter to the Commissioner. The board must also report to the Commissioner if it considers the conduct or competence of a superintendent to be in breach of the certification standards. (**School Act**, section 16.1)

Codes of Conduct

Boards must, subject to the Act and regulations, and in accordance with provincial standards established by the Minister, establish a code of conduct for students enrolled in an educational program provided by the board. (**School Act**, section 85(1.1))

A student must comply with the school rules authorized by the principal, and with the code of conduct and other rules and policies of the board. (**School Act**, section 6)

Despite any other provision of the Act, a board may refuse to offer an educational program to a student 16 years of age or older if that student has refused to comply with the code of conduct, other rules and policies referred to in section 6. (*School Act*, section 85(3)(a))

The Minister has established provincial standards for codes of conduct under the **Provincial Standards for Codes of Conduct Order**. These include the following:

- Boards must 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. (section 2)
- Boards must, when establishing codes of conduct, consider the results of the consultations undertaken by schools within their school district at the school level with individuals or groups that the school considers are representative of employees of the board, parents, and students. (section 3)
- Boards must:
 - Make codes of conduct available to the public.
 - Distribute codes of conduct at the beginning of the school year to employees of the board at the school, parents of students attending the school, and students attending the school.
 - Provide codes of conduct to employees of the board who are assigned to a school during the school year when they are so assigned.
 - Provide codes of conduct to students who start attending a school during the school year and their parents, when the students start attending the school.
 - Display the codes of conduct in a prominent area in the school. (section 4)
- Boards must ensure that schools within their district review the codes of conduct annually with individuals or groups the schools consider are representatives of employees of the board, parents, and students, to assess the effectiveness of the codes of conduct in addressing current school safety issues. (section 5)
- Boards must ensure the following elements are included in their codes of conduct:
 - 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.
 - A statement of purpose that provides a rationale for the code of conduct, with a focus on safe, caring and orderly school environments.
 - One or more statements about what is acceptable behaviour and what is 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.
 - 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.
 - 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. (section 6)

- In the statements about consequences of unacceptable behaviour, boards must do the following:
 - Whenever possible and appropriate, focus on consequences that are restorative in nature rather than punitive, and
 - 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. (section 7)

Video Surveillance

A board of education must consult with a school planning council in respect of school safety, including the installation and operation of video surveillance cameras. (***School Act***, section 8.2(d))

With the prior approval of the school planning council, a board may install and operate a video surveillance camera in a school facility or on school land for the purposes of protecting individual safety, belongings, or school property. (***School Act***, section 74.01)

Student health and safety

A school medical officer must inspect school buildings and surroundings as required by the Minister of Health. The school medical officer may require a board to close a school when the health or safety of students is at risk. (***School Act***, section 90)

A board may temporarily close a school building if the health or safety of students is at risk. (***School Act***, section 73(1)(b))

If the school medical officer considers that the health condition of any student is such as to endanger the health or welfare of students or employees, the school medical officer must report the matter to the board, and the board must remove the student from school. The student may not return to school until he or she is permitted to do so by the school medical officer.

Teachers and administrators who suspect a student is suffering from a communicable disease or other physical, mental or emotional condition that would endanger the health or welfare of the other students, must report the matter to the school medical officer, the principal and the superintendent, and may exclude the student from school until he or she is permitted to return by the school medical officer. (***School Act***, section 91)

Boards may require their employees or contractors to undergo a medical examination and submit the practitioner's conclusions regarding the individual's physical, mental and emotional health. If the certificate shows that the individual's health is such as to endanger the health or welfare of the students at the school, the board must suspend the employee until he or she is permitted to return by a medical officer. (***School Act***, section 92)

Appeals

If a decision of an employee of a board of education significantly affects the education, health or safety of a student, the parent or the student may appeal that decision to the board. (***School Act***, section 11)

A second level of appeal is provided under the **Appeals Regulation**. A decision of a board of education may be appealed to a superintendent of achievement only if the decision relates to one of the matters specified in the Regulation. Among other things, these specified matters include “a complaint by the student or his/her parent against another student respecting intimidation, bullying, harassment of or use or threat of use of weapons or other forms of violence against the student by that other student.” (***School Act***, sections 11.1 – 11.8 and **Appeals Regulation**, section 2(2)(g))