

Administrative Handbook Summaries: Legal Documents

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The British Columbia School Act

The B.C. School Act is a provincial legislation that outlines important roles, rights, and responsibilities for parents, students, and the educational system for primary and secondary students. The Act is divided into the following parts: interpretations, students and parents, school personnel, school trustees, boards of education, school property, finance, Francophone educational authorities and general. Part 2, students and parents, and part 3, school personnel, are the most important sections for administrators in schools. However, other sections of note include that schools must follow the calendar passed by the board (87.2), administrators must honour class size and properly report / and follow local procedures if there is a violation (76.1).

Through a lens of a principal, there are several sections that resonated with me:

1. It is necessary to have the school district's code of conduct and the school's expectations clear to students, this is often accomplished through beginning of the year school assemblies and publishing all relevant documents on the school website and the agenda. This helps promote a positive learning environment (6.1 a & b).
2. Principals need to ensure that report cards, interim reports and regular school/ home communication is taking place (7.1). This ensures that the learning is moving forward and that communication between home and school is open.
3. Principals must consult on bylaws and initiatives that the Parent Advisory Council (8). This is an important component of community building and fostering the school and home relationship.
4. The school calendar set by the board must be adhered to (87.01).
5. At a school level, ensuring class size is respected and properly report if a classroom is in violation to ensure the teacher is compensated. This is part of promoting a positive

culture of learning for all people in the building and ensuring that moving is learning forward (76.1).

B.C. School Regulation Act

The B.C. School Act School Regulation is a provincial statute that primarily outlines the duties of teachers, principals, vice principals, superintendents, and secretary treasurers. In addition, the Act also included sections on insurance, short term borrowing, Education Advisory Council, Indian Language Instruction, residency and number of hours of instruction. At a school level, a principal will be most concerned with duties of teacher, their own duties, number of hours of instructions as well as Indian language instruction (if applicable to their site).

Through the lens of a principal, there are several sections that resonated with me:

1. Duties of a teacher, including providing education to all students in our class, maintaining records that reflect student process, ensuring students follow school and district code of conduct and attending meetings (4.1). As a principal we need to guide the implementation of learning practices and what is best for kids. We need to ensure that the shared values, vision, mission, and goals are in place for the success of all learners.
2. Teachers are required to attend all meetings, this included staff meetings scheduled by the principal and/or superintendent. In order to not attend, teacher's need to be excused by a supervisor (4.1.k). Meetings are important opportunities to build community and move the learning forward.
3. Three formal written report cards a year and at least two informal reports a year (4.2.a.b)
4. Principal and vice-principals can report on the work of a teacher but must give a copy to the teacher (5.1).

5. Comprehensive list of the role of the principal, including supervisory role, consulting and evaluating teachers, and the implementation of programs, timetables, and code of conduct (5.6 and 5.7). This is the basis of the role of a principal and is essential in understanding the role.
6. School assembly protocols, including the singing of O'Canada at the beginning and mandatory Remembrance Day assembly (7.10).

The Workers Compensation Act

The Workers Compensation Act outlines the rights and responsibilities of employers and employees in regard to occupational health and safety. The purpose of the act is to set and enforce work-related health and safety regulations and standards. The scope of the legislation includes not only physical injuries, but also harassment by fellow employees. Procedures for inspecting workplaces, issuing orders and imposing penalties for those who are in violation are also outlined in the Act.

Employers need to be aware of the rights and responsibilities of their workers, ensuring that proper reporting procedures are in place, and that they are completed within required timelines. At the school level, all employees need to notify first-aid attendant and supervisor within appropriate time of injury or work-related illness. The Employer must report within three days of occurrence every injury a worker has had and claimed. Around the school, posters are displayed for staff about proper reporting procedures as per guidelines in the Act.

The principal needs to ensure that a Health and Safety committee is established with a representative from each member in the school (1.4). For the safety of staff, principals need to ensure that safety plans are in place for students who can demonstrate violent behaviours towards

staff, this is for the protection of staff, and all staff working with the child must sign off. At the beginning of the school year, health and safety is covered at the first staff meeting and all staff must sign off. All new staff to the district must complete bullying and harassment training. If your school has a woodshop, the principal needs to ensure the teacher is certified and wearing the correct protective gear. Ultimately, it is the principals obligation to ensure that the employees are aware of how to keep themselves safe.

Labour Relations Code

The British Columbia Labour Relations Code (LRC) is primarily concerned with the establishment of union representation and collective bargaining. Essentially, it covers many aspects of the relationship between employers, their employees and unions. In addition, the LRC guarantees the right of every employee is free to join a union and to participate in its lawful activities. In addition, the LRC also mandates the BC Labour Relations Board as an independent administrative tribunal with the authority to administer the LRC's terms. It is the BC Labour Relation Board's responsibility to decide all matters covered by the LRC. The LRC applies to all employees and their employers in BC; however, individuals who perform the functions of a manager or superintendent are exempt. As per the School Act (20.2), principals and vice-principals are not employees within the meaning of the LRC.

As a principal, we need to understand that we are in a unionized environment and need to respect the protocols laid out in the collective agreement. We need to have a familiarity around the collective agreement and how this impacts day-to-day relations. Administrators need to honour the collective agreement and LRB rulings. It is valuable to understand that there is language in the collective agreement that can help move the learning forward in your school. You can utilize this language to help you with community building and curriculum goals.

British Columbia's Human Rights Code

The Human Rights Code is provincial law designed to protect citizens from discrimination and harassment. Under the Code all people have the right without discrimination to employment, fair wages, housing, and basic services. No one is to be discriminated or harassed because of race, colour, ancestry, place of origin, religion, marital or family status, physical or mental disability, sex, sexual orientation, gender identity or expression, and/or age. Human rights complaints must be filed with the B.C. Human Rights Tribunal as outlined in the Code. The Tribunal is established under the Code, and it is to remain neutral throughout screening, mediation, and adjudication processes.

The role of the principal is to create and foster an inclusive culture for both staff and students, where everyone feels safe and respected. Principals need to be aware of whether their decisions may impede on someone's human rights. For example, if a teacher has a medical condition or mobility difficulties, they need to consider this when deciding who moves out to a portable. All school staff need to be aware of the human rights of students and treat them with dignity. Furthermore, if a student is transitioning, they need to have a gender-neutral bathroom available for them.

FOIPPA – Freedom of Information and Protection of Privacy Act

FOIPPA is provincial legislation that has two primary purposes. First of all, to protect Canadian privacy by prohibiting the unauthorized access, collection, use, storage, or disclosure of information by public bodies. Secondly, it grants individual's the right to access their personal information. In the School Act, access to school records is also a right of parents and students.

Schools are public bodies, and as such, they must follow the provisions outlined in the legislation. As a principal, it is important to ensure that staff is informed of FOIPPA rules and that all necessary steps are taken to ensure the privacy of students. All staff is responsible for ensuring that they keep student information secure, for example protecting our passwords and utilizing encrypted devices if we intend to download any student information. Students are minors, therefore, their guardians act on behalf of them (section 3.1 for specifics). Consent must be provided by a legal guardian of anyone under 18 for the storage of student information in any capacity including any computer or tablet application approved at the ministry, district and/or school level. Guardian approval is also needed for the publication of student names or images on social media sites and in the yearbook. Principals need to ensure that all the correct paperwork is collected and stored in a secure place. As leaders, we need to ensure our staff is trained and understands how to keep student information safe.

Employment Standards Act

The Employment Standards Act protects the legal rights of employees and employers and sets the minimum standards for working conditions in British Columbia. Part one outlines the purposes of the standards which includes encouraging open communication between employers and employees, promoting the fair treatment of employees and employers and providing fair and efficient procedures for resolving disputes. Key components of fair treatment include meal breaks, work hours, and parental leaves.

In schools, the day is structured around employees right to breaks in order to eat. If a collective agreement in a school covers overtime, annual vacation, seniority retention, recall, and term employment, these provisions in the Employment Standards Act do not apply. Principals

need to be aware of the basic rights of their workers. CUPE is subject to working on an hourly wage; therefore, their hours of work need to be recognized and honoured.