

## EDUCATIONAL STANDARDS ORDER

**Authority:** *Independent School Act*, section 4 (1) (b)

Ministerial Order 41/91 (M41/91) .....	Effective February 15, 1991
Amended by M168/93 .....	Effective November 24, 1993
Amended by M407/95 .....	Effective September 1, 1995
Amended by M109/96 .....	Effective February 19, 1996
Amended by M19/00 .....	Effective January 26, 2000
Amended by M216/01 .....	Effective July 1, 2001
Amended by M319/04 .....	Effective September 1, 2004
Amended by M380/04 .....	Effective November 1, 2004
Amended by M102/05 .....	Effective April 14, 2005
Amended by M260/06 .....	Effective November 17, 2006
Amended by M165/08 .....	Effective July 3, 2008
Amended by M034/09 .....	Effective February 18, 2009
Amended by M187/09 .....	Effective August 21, 2009
Amended by M175/10 .....	Effective June 21, 2010
Amended by M007/11 .....	Effective January 11, 2011
Amended by M193/11 .....	Effective July 21, 2011
Amended by M036/16 .....	Effective January 26, 2016
Amended by M307/16 .....	Effective July 1, 2016
Amended by M257/18 .....	Effective July 1, 2018
Amended by M230/19 .....	Effective July 1, 2019
Amended by M304/20 .....	Effective August 11, 2020
Amended by M322/21 .....	Effective August 12, 2021
Amended by M074/22 .....	Effective March 2, 2022
Amended by M298/22 .....	Effective October 4, 2022
Orders of the Minister of Education and Child Care	

### Application

**1** This order applies to authorities issued a certificate of group 1, 2 or 4 classification under the authority of the *Independent School Act*.

### Interpretation

**1.1** For the purposes of this order,

“board” means a board as defined in the *School Act*;

“educational program guide” means a document specified as an educational program guide in Ministerial Order 333/99, the Educational Program Guide Order, made under the authority of the *School Act*;

"IEP" means an Individual Education Plan designed for a student and includes one or more of the following:

- (a) learning outcomes for a course, subject or grade that are different from or in addition to the expected learning outcomes for a course or subject and grade set out in the applicable educational program guide for that course, subject or grade, as the case may be,
- (b) a list of support services required for the student to be able to achieve the learning outcomes established for the student,

## EDUCATIONAL STANDARDS ORDER

- (c) a list of adapted materials, or instructional or assessment methods required by the student to meet the learning outcomes established for the student in the IEP, or pursuant to an Inspector's Order or in a local program;
- “learning outcomes” includes learning outcomes and learning standards, as set out in the applicable educational program guide;
- "student with special needs" means a student who has a disability of an intellectual, physical, sensory, emotional or behavioural nature, has a learning disability or has exceptional gifts or talents.

[en. M407/95; am. M109/96; am. M19/00, am M260/06; am. M307/16]

### **Educational program kindergarten through grade 12**

**2** Each authority shall ensure that the educational program at independent schools that it operates is consistent with the goals established under the headings "Intellectual Development", "Human and Social Development", and "Career Development" set out in Part C of Order in Council 1280/89, the Statement of Educational Policy for British Columbia Order.

### **Hours of instruction**

- 3** (1) For the purposes of this section,
- "hours of instruction" means in respect of an independent school, an hour in which students of the independent school are in attendance and under supervision for the purpose of receiving instruction in an educational program, including work study and work experience programs, examinations or other learning activities provided by the authority, but does not include recesses, lunch periods and other scheduled breaks between classes;
- "school day" means a day scheduled as a day on which instruction is to be provided in an independent school.

(2) Subject to subsection (2.1), in each school year, an authority must provide not fewer than the following hours of instruction to students enrolled in an educational program in an independent school operated by the authority:

- (a) to students in half day kindergarten, 450 hours of instruction; and
- (a.1) to students in full day kindergarten, 850 hours of instruction.
- (b) to all other students, 850 hours of instruction.

(2.1) For the 2021/2022 school year, an authority must provide not fewer than the following hours of instruction to students enrolled in an educational program in an independent school operated by the authority:

- (a) to students in half day kindergarten, 435 hours of instruction;
- (a.1) to students in full day kindergarten, 820 hours of instruction; and
- (b) to all other students, 820 hours of instruction.

## EDUCATIONAL STANDARDS ORDER

(3) For the purposes of subsections (2) and (2.1), where an independent school is closed on a school day as a result of a strike or lockout, the hours of instruction scheduled for that school day shall be included for the purposes of calculating the hours of instruction of the independent school.

(4) This section does not apply in respect of an educational program delivered in whole or in part through online learning.

[en. M407/95; am. M319/04; am. M380/04; am. M260/06; am. M175/10; am. M322/21; am. M074/22; am. M298/22]

### Requirements for online learning

**3.1** The authority must provide sufficient time for the principal, vice principal and teachers at the independent school to be available to administer and deliver the educational program to enable students enrolled in an educational program delivered in part or in whole through distributed learning to meet the learning outcomes of the educational program.

[en M260/06; am. M298/22]

### Required areas of study and educational program guides

**4** (1) In each school year, an authority must provide to all students enrolled in kindergarten to grade 9 in an independent school operated by the authority, an educational program that includes the following:

- (a) English Language Arts or, in the case of French immersion students, French Language Arts
- (b) Mathematics
- (c) Science
- (d) Social Studies
- (e) Physical and Health Education
- (f) Arts Education
- (g) Career Education, and
- (h) Applied Design, Skills, and Technologies.

(2) Each school year, an authority must provide to all students enrolled in grades 5 to 8 in an independent school operated by the authority, an educational program that includes

- (a) where an educational program is offered in the English language, a language other than English, and
- (b) for students in grades 4 to 9 enrolled in French immersion, English Language Arts.

(3) An authority must ensure that the educational program provided under subsections (1) and (2) meets the learning outcomes set out in the applicable educational program guide for that course or subject and grade.

(4) Despite subsection (3), an authority may establish learning outcomes in accordance with the curricular competencies set out in the educational program guide for Arts Education.

## EDUCATIONAL STANDARDS ORDER

- (5) An authority may only use educational resource materials
  - (a) designated under the Educational Program Guide Order
  - (b) that the authority considers are appropriate, or
  - (c) that are recommended from time to time by the minister.
- (6) Before an authority uses educational resource materials referred to in subsection (5)
  - (b), the authority must approve those materials in accordance with policies and procedures established by the authority.

[en. M307/16]

### Graduation Requirements

**5** (1) For the purposes of this section, in Ministerial Order 302/04, the Graduation Program Order made under authority of the *School Act*,

- (a) a reference to a “board” means an “authority”, but does not include a francophone education authority
- (b) a reference to a “Board Authorized Course” means an “Authority Authorized Course” to which Ministerial Order 285/04, the Board Authorized Course Order applies, subject to subsection (2),
- (c) a reference to a “local program” means an educational program developed or approved by an authority, and
- (d) a reference to Ministerial Order 282/04, the Work Experience Order, means a reference to only section 1 of that order.

(2) For the purposes of this section, in respect of Ministerial Order 285/04, the Board Authorized Course Order,

- (a) section 3 of that order does not apply
- (b) section 4 of that order does not apply and the authority must approve the Authority Authorized Course by providing the required information in the manner and form required by the Minister, and
- (c) in addition to the Minister’s powers under section 5 of that order, the Inspector may request, and the authority must submit
  - (i) the Authority Authorized Course framework, and
  - (ii) the required information in the manner and form required by the Minister.

(3) *REPEALED, M 193/11*

(4) Ministerial Order 302/04, the Graduation Program Order, applies to each student, as defined in the *Independent School Act*, as if that student was a student defined in the *School Act*.

(5) In each school year, an authority that offers grades 10, 11, and 12 must provide all students enrolled in an independent school operated by the authority, a sufficient number and selection of courses to enable each student to meet the requirements for graduation set out in Ministerial Order 302/04, the Graduation Program Order.

## EDUCATIONAL STANDARDS ORDER

(6) Despite subsection (4), section 4 (6) of Ministerial Order 302/04, the Graduation Program Order, does not apply to students referred to in subsection (4).

(7) *REPEALED, M380/04*

(8) Subject to subsection (9), an authority may choose whether or not to provide students the opportunity to earn graduation credit through

- (a) independent directed studies,
- (b) an equivalency review,
- (c) a challenge process, or
- (d) post-secondary credit.

(9) If an authority decides to provide students the opportunity to earn graduation credit through any of the processes referred to in subsection (8), the authority must comply with the relevant sections for each process in sections 6, 7, 8, 9, and 10 of Ministerial Order 302/04, the Graduation Program Order, except in respect of any reference to financial requirements.

(10) Section 12 of Ministerial Order 302/04, the Graduation Program Order, does not apply and instead the following applies:

Where an authority provides an educational program that includes a course number 10, 11 or 12, the authority must ensure that the educational program provided includes all the learning outcomes specified in the applicable educational program guide listed in Ministerial Order 333/99, the Educational Program Guide Order, for that course or the learning outcomes for an Authority Authorized Course.

[en. M407/95; am. M109/96; am. 216/01; am. M319/04; am. M380/04; am. M380/04; am. M034/09; am. M187/09; am. M193/11; am. M230/19; am. M304/20]

### Application of sections 4 and 5

**5.1** Sections 4 and 5 do not apply to a student with special needs or a student who is receiving English language learning services where that student is unable to demonstrate his or her learning in relation to the expected learning outcomes set out in the applicable educational program guide for a course or subject and grade.

[en. M109/96; am. M307/16]

### IEP for students with special needs

**5.11** (1) An authority must ensure that an IEP is designed for a student with special needs, as soon as practical after the student is so identified by the authority.

(2) Subsection (1) does not apply where

- (a) the student with special needs requires no adaptation or only minor adaptations to educational materials, or instructions or assessment methods,
- (b) the expected learning outcomes established by applicable educational program guide have not been modified for the student with special needs, and
- (c) the student with special needs requires in a school year, 25 hours or less remedial instruction, by a person other than the classroom teacher, in order for the student to meet the expected learning outcomes referred to in paragraph (b).

## EDUCATIONAL STANDARDS ORDER

**5.12** Where an authority is required to provide an IEP for a student under this order, the authority

- (a) must ensure that the IEP is reviewed at least once each school year following the year the IEP is developed and, where necessary, it is revised or cancelled, and
- (b) must offer a parent of the student, and where appropriate, the student the opportunity to be consulted about the preparation of an IEP.

[en. M175/10]

**5.2** (1) This section only applies to students with special needs in any of grades 10 to 12 who receive instruction through online learning and who

- (a) enrol in one or more educational programs provided by authorities, or
- (b) in addition to enrolling in one or more educational programs provided by authorities enrol in an educational program offered by a board

but it does not apply if

- (a) the student with special needs requires no adaptation or only minor adaptations to educational materials, or instructional or assessment methods,
- (b) the expected learning outcomes established by the applicable educational program guide have not been modified for the student with special needs, and
- (c) the student with special needs requires in a school year, 25 hours or less remedial instruction, by a person other than the classroom teacher, in order for the student to meet the expected learning outcomes referred to in paragraph (b).

(2) An authority must consult with another authority about the IEP of a student with special needs as soon as practical after the authority is informed by the Ministry of Education, the other authority, the student's parent or the student that the student with special needs is also enrolled in an educational program that is provided by the other authority.

(3) An authority must consult with a board about the IEP of a student with special needs as soon as practical after the authority is informed by the Ministry of Education, the board, the student's parent or the student that the student with special needs is also enrolled in an educational program that is provided by the board.

[en. M260/06; am. M298/22]

### School Completion Certificates

**5.3** (1) *REPEALED, M036/16, effective January 26, 2016*

[am. M036/16]

(2) *REPEALED, M036/16, effective January 26, 2016*

[am. M036/16]

(3) An authority must recommend to the inspector that a student with special needs be awarded a School Completion Certificate if the student

- (a) has an IEP, and

## EDUCATIONAL STANDARDS ORDER

- (b) is enrolled in an educational program that is not designed to meet the graduation requirements set out in Ministerial Order M302/04, the Graduation Program Order,  
and the student
- (c) meets the learning outcomes contained in the student's IEP, if that IEP contains all the learning outcomes of the student's educational program, or
- (d) has successfully completed the student's educational program, if the student's IEP does not contain all the learning outcomes of the student's educational program.

(4) If an authority recommends to the inspector that a student with special needs be awarded a School Completion Certificate, the inspector must recommend to the Minister that a School Completion Certificate be awarded to the student.

- (5) A British Columbia School Completion Certificate may be issued by the Minister
- (a) in the form set out in Schedule A, or
  - (b) where the student requests a British Columbia School Completion Certificate in French, in the form set out in Schedule B.

[en M260/06; am. M175/10; am. 193/11; am. M036/16]

### **Additional Courses or Subjects**

**6** This order does not prohibit an authority from offering students enrolled in an independent school operated by the authority, an educational program that includes courses, subjects or learning outcomes not set out in this order.

[en. M407/95]

### **Alternative Delivery in the Physical and Health Education Curricula**

**7** The Ministry of Education's policy entitled "Alternative Delivery of Physical and Health Education Curricula" applies with respect to Physical and Health Education K-9 and Physical and Health Education 10.

[en. M407/95; am. M319/04; am. M102/05; am. M260/06; am. M175/10; en. M307/16; am. M257/18]

# **EDUCATIONAL STANDARDS ORDER**

## **SCHEDULE A**

The British Columbia School Completion Certificate shall read and be printed in the following form:

### **Province of British Columbia School Completion Certificate**

**This is to certify that (student name), upon recommendation of the Independent School, is hereby issued this British Columbia School Completion Certificate under the authority of the Minister of Education.**

[am M260/06]



## **EDUCATIONAL STANDARDS ORDER**

### **SCHEDULE B**

The British Columbia School Completion Certificate shall read and be printed in the following form:

**Province of British Columbia  
Certificat de fin de scolarite**

**Nous, soussignés, attestons que (nom de l'élève) a satisfait aux exigences du conseil scolaire.  
En foi de quoi, nous lui décernons ce certificat de fin de scolarité en Colombie-Britannique,  
en vertu des pouvoirs détenus par le ministre de l'Éducation.**

[am M260/06]