

Rights delineated in the *School Act*, RSA 2000, c S-3

Only s. 16.1 of the *School Act* contains rights held exclusively by students. As per the *School Act*, all other rights held by students are held jointly with parents, such as, for example, the right to inspect the student's record.

Examples of **Parental Rights** in the *School Act*:

Preamble:

WHEREAS **parents have a right** and a responsibility **to make decisions respecting the education of their children**

Teachers:

Section 18(1)(e) A teacher while providing instruction or supervision **must** regularly evaluate students and periodically report the results of the evaluation to the students, **the students' parents** and the board

Alternative programs:

Section 21(2) If a board determines that there is sufficient demand for a particular alternative program, the board may offer that program to those students **whose parents enroll them** in the program.

Section 21(3) A board that offers an alternative program shall continue to offer the regular education program to those students **whose parents do not enroll** them in the alternative program.

School council:

Section 22(2) **The majority** of the members **of a school council shall be parents** of students enrolled in the school.

Student records:

Section 23(2)(b) ...the following persons **may review the student record** maintained in respect of a student: ... **the student's parent**, except where the student is an independent student.

Early childhood services program:

Section 30(1) A board or, with the approval of the Minister, a person **may** provide an early childhood services program to

- (a) a child who, as of September 1, is younger than 6 years of age, **if the parent of the child agrees**, or

(b) a student, **if the parent of the student** and the board are **of the opinion that the program will benefit the student.**

Responsibility to students:

Section 45(3) A board **shall** enroll a resident student of the board or of another board in the school operated by the board **that is requested by the parent of the student** if, in the opinion of the board asked to enroll the student, there are sufficient resources and facilities available to accommodate the student.

Board responsibility:

Section 45.1(2) A board shall establish, implement and maintain a policy respecting the board's obligation under subsection (1) to provide a welcoming, caring, respectful and safe learning environment that includes the establishment of a code of conduct for students that addresses bullying behaviour.

Section 45.1(3)(c) A code of conduct established under subsection (2) **must** be provided to all staff of the board, students of the board **and parents of students** of the board

Special education program:

Section 47(3)(a) Before a board places a student in a special education program it **shall consult with the parent** of that student

Religious and patriotic instruction:

Section 50(2) Where a teacher or other person providing religious or patriotic instruction receives a written **request signed by a parent** of a student that the student be excluded from religious or patriotic instruction or exercises, or both, **the teacher or other person shall permit the student**

(a) to leave the classroom or place where the instruction or exercises are taking place for the duration of the instruction or exercises, or

(b) to remain in the classroom or place without taking part in the instruction or exercises.

Notice to parent:

Section 50.1(1) A board **shall provide notice to a parent** of a student where courses of study, educational programs or instructional materials, or instruction or exercises, include subject-matter that deals primarily and explicitly with religion or human sexuality.

Section 50.1(2) Where a teacher or other person providing instruction, teaching a course of study or educational program or using the instructional materials referred to in subsection (1) receives a written **request signed by a parent** of a student that the student be excluded from the instruction, course of

study, educational program or use of instructional materials, **the teacher or other person shall in accordance with the request of the parent permit the student**, without academic penalty,

- (a) to leave the classroom or place where the instruction, course of study or educational program is taking place or the instructional materials are being used for the duration of the part of the instruction, course of study or educational program, or the use of the instructional materials, that includes the subject-matter referred to in subsection (1), or
- (b) to remain in the classroom or place without taking part in the instruction, course of study or educational program or using the instructional materials.

Off-campus education programs:

Section 54(3) When a student wishes to participate in an off-campus education program, **the board shall obtain the consent of the student's parent** or, if the student is 16 years of age or older, the student.

Petition calling for public meeting:

Section 269(1)(a) When a board of a district situated wholly or partly within the boundaries of a city receives a **petition calling for a public meeting that is signed by 25% of the parents**, who are also electors, of the students in a school, ...**the board shall** within 21 days from the date that it receives the petition **publish notice of the public meeting to be held** under this section in accordance with section 270.

The **Exclusive Rights of Students** in the *School Act*:

Preamble:

WHEREAS **students are entitled** to welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self

Support for student organizations (**Bill 10**):

Section 16.1(1) **If one or more students** attending a school operated by a board **request** a staff member employed by the board for support **to establish a voluntary student organization**, or to lead an activity intended to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging, **the principal of the school shall**

- (a) permit the establishment of the student organization or the holding of the activity at the school, and
- (b) designate a staff member to serve as the staff liaison to facilitate the establishment, and the ongoing operation, of the student organization or to assist in organizing the activity.

Section 16.1(3) The **students may select a respectful and inclusive name for the organization, including the name “gay-straight alliance” or “queer-straight alliance”**, after consulting with the principal.

Section 16.1(4) **The principal shall immediately** inform the board and the Minister if no staff member is available to serve as a staff liaison referred to in subsection (1), and if so informed, **the Minister shall** appoint a responsible adult to work with the requesting students in organizing the activity or to facilitate the establishment, and the ongoing operation, of the student organization at the school.