

Repeal of Section 78.1(1) of the *School Act*

Bill 22 – 2012, the *Education Improvement Act*, was proclaimed into law on March 17, 2012. It includes the repeal of section 78.1 of the *School Act* **effective April 14, 2012.**

Section 78.1(1) of the *School Act* had previously provided that where a board has satisfied conditions set out in section 78(3.1) of the *School Act*, a provision of a teachers' collective agreement that limits or restricts, or purports to limit or restrict, the board's power to adopt or implement the school calendar approved under section 78 (3.1) is void to the extent that the provision limits or restricts the power to adopt or implement said calendar. This *School Act* provision is repealed effective April 14, 2012.

As a result, effective April 14, 2012, districts will no longer be able to rely upon section 78.1 of the *School Act* to "void" collective agreement provisions which are in conflict with the implementation of an alternate school calendar.

School districts contemplating alternate school calendars for the 2012-2013 school year need to consider collective agreement provisions, particularly provisions relating to weekly instructional hours, length of school day, etc., in addition to Article D.3 of the collective agreement, which includes a process related to the negotiation of modifications to a collective agreement where an employer seeks to modify the school calendar.

Questions

Should you have any questions or require specific advice regarding the implementation of a local school calendar, please contact your [BCPSEA labour relations liaison](#) for assistance.