



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

EDUCATION ACT TEACHER CERTIFICATION AND STANDARDS REGULATIONS

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4292
Email: legislation@gov.pe.ca



EDUCATION ACT
Chapter E-.02

TEACHER CERTIFICATION AND STANDARDS REGULATIONS

Pursuant to section 107 of the *Education Act* R.S.P.E.I. 1988, Cap. E-.02, Council made the following regulations:

1. Definitions

- (1) In these regulations,
- (a) “**accredited university**” means a university or degree-granting institution that is
 - (i) established by the laws of the jurisdiction in which the university or institution is located, or
 - (ii) accredited by an organization that is responsible for accreditation of universities or degree-granting institutions in the jurisdiction in which the university or institution is located;
 - (b) “**Act**” means the *Education Act* R.S.P.E.I. 1988, Cap. E-.02;
 - (c) “**approved study**” means a course or program approved by the Minister, on the recommendation of the Board, pursuant to subsection 3(2);
 - (d) “**Board**” means the Teacher Certification and Standards Board continued in subsection 7(1) of the Act;
 - (d.1) “**college**” means a college or private training school that is
 - (i) established by the laws of the jurisdiction in which the college or private training school is located, or
 - (ii) licensed or registered as a college or private training school under the laws of the jurisdiction in which the college or private training school is located;
 - (e) “**credit hour**” means a unit of value assigned to a course or other training activity offered by an accredited university;
 - (f) “**interprovincial standards (Red Seal) endorsement**” means an interprovincial standards (Red Seal) endorsement as defined in the *Apprenticeship and Trades Qualification Act* General Regulations (EC666/12);
 - (g) “**major**” means a primary concentration of courses in a particular subject area recognized by the accredited university offering the courses;
 - (h) “**minor**” means a secondary concentration of courses in a particular subject area recognized by the accredited university offering the courses;
 - (i) “**teachable subject-area**” means a subject-area of the education program approved by the Minister under clause 3(2)(b) of the Act.

Definition, pre-service teacher education program

- (2) In these regulations, a “**pre-service teacher education program**” means a program that
- (a) is offered at an accredited university that is authorized by the laws of the jurisdiction where it is located to grant a degree in pre-service teacher education;
 - (b) is recognized by the teacher certification authority of the jurisdiction where the accredited university is located for the purposes of teacher certification or licensure;
 - (c) is comprised of
 - (i) at least 120 credit hours of post-secondary study leading to a bachelor’s degree in education, or an academic credential the Registrar deems to be equivalent, or
 - (ii) a combination of the following:
 - (A) at least 90 credit hours of post-secondary study leading to an undergraduate degree with a major or a minor in two or more teachable subject-areas, and
 - (B) at least 30 credit hours of post-secondary study in education leading to a bachelor’s degree in education, or an academic credential the Registrar deems to be equivalent;
 - (d) includes at least one course in each of the following:
 - (i) education foundations,
 - (ii) methods of teaching curriculum in relation to each teachable subject-area,
 - (iii) assessment and evaluation,
 - (iv) differentiated instruction and inclusion; and
 - (e) includes at least 60 days of supervised practice teaching in a public or licensed private elementary or secondary school. *(EC534/16; 263/17)*

2. Application for teacher’s license

- (1) A person who applies for a teacher’s license in accordance with section 98 of the Act shall provide the following documents with the application:
- (a) a statement of the results of a criminal record check and a vulnerable person sector search made in respect of the applicant, dated not earlier than 3 months prior to the date of the application;
 - (b) evidence satisfactory to the Registrar of the applicant’s identity;
 - (c) evidence satisfactory to the Registrar that the applicant is entitled to work in Canada;
 - (d) official transcripts from each post-secondary institution that the applicant has attended;
 - (e) evidence satisfactory to the Registrar that the applicant has successfully completed a pre-service teacher education program;
 - (f) if the applicant has held or holds the equivalent of a teacher’s license in one or more jurisdictions other than Prince Edward Island, evidence satisfactory to the Registrar that the applicant is in good standing with the teacher certification authority in each of those jurisdictions.

Standards and criteria

- (2) To obtain a teacher’s license, an applicant shall
- (a) have successfully completed a pre-service teacher education program offered by the University of Prince Edward Island;



- (b) have successfully completed a pre-service teacher education program offered in another province that is approved by the Minister, on the recommendation of the Board;
- (c) have successfully completed a pre-service teacher education program offered in a jurisdiction outside Canada and hold the equivalent of a teacher's license in that jurisdiction; or
- (d) hold the equivalent of a teacher's license in another province.

Terms and conditions

- (3) The Registrar may impose terms and conditions on a teacher's license pursuant to subsection 99(2) of the Act, provided that, on issuing the teacher's license, the Registrar provides to the teacher written reasons for the imposition of the terms and conditions.

Refusal to issue

- (4) In addition to the grounds set out in subsection 99(4) of the Act and pursuant to clause 99(4)(i) of the Act, the Registrar may refuse to issue a teacher's license to an applicant if the applicant is not entitled to work in Canada. (EC534/16)

3. Board recommendation, approved study

- (1) The Board may recommend to the Minister that a course or program be recognized as approved study for the purposes of assigning a qualification level to a teacher's license.

Requirements for approved study

- (2) The Minister may recognize a course or program recommended by the Board as approved study for the purposes of assigning a qualification level to a teacher's license, if the course or program
 - (a) is recognized for credit by an accredited university as
 - (i) an education course or program related to the education of students in an elementary or secondary school setting, or
 - (ii) a course or program in a teachable subject-area that is at a fourth year or graduate level; or
 - (b) is provided by an organization other than an accredited university for the purposes of continuing professional development of teachers. (EC534/16)

4. Assignment of qualification level

- (1) On issuing a teacher's license pursuant to subsection 99(1) of the Act, the Registrar shall assign a qualification level with respect to the teacher's license in accordance with this section and provide to the teacher written reasons for the qualification level assigned.

Qualification level 4

- (2) The Registrar shall assign a qualification level 4 with respect to a teacher's license, unless the applicant meets the requirements for a qualification level under subsection (3), (4), (6) or (7), as the case may be.

Qualification level 5

- (3) Subject to subsections (4), (6) and (7), the Registrar shall assign a qualification level 5 with respect to a teacher's license, if the Registrar is satisfied that the applicant has successfully completed a total of at least 150 credit hours of post-secondary study, comprised of

- (a) the minimum requirement of 120 credit hours for a pre-service teacher education program; and
- (b) an additional 30 credit hours of approved study.

Qualification level 5A

- (4) Subject to subsections (6) and (7), the Registrar shall assign a qualification level 5A with respect to a teacher's license, if the Registrar is satisfied that the applicant has successfully completed a total of at least 180 credit hours of post-secondary study, comprised of
 - (a) the minimum requirement of 120 credit hours for a pre-service teacher education program; and
 - (b) an additional 60 credit hours of approved study.

Trade equivalent

- (5) For the purpose of subsection (3) or (4), the receipt of an interprovincial standards (Red Seal) endorsement in a trade related to a teachable subject-area is deemed to be equivalent to, and meet the requirement of, 30 credit hours of approved study.

Qualification level 6

- (6) Subject to subsection (7), the Registrar shall assign a qualification level 6 with respect to a teacher's license, if the Registrar is satisfied that the applicant has successfully completed a total of at least 180 credit hours of post-secondary study, comprised of
 - (a) the minimum requirement of 120 credit hours for a pre-service teacher education program; and
 - (b) an additional 60 credit hours of approved study, of which at least 30 credit hours leads to the successful completion of a master's degree program offered by an accredited university.

Qualification level 7

- (7) The Registrar shall assign a qualification level 7 with respect to a teacher's license, if the Registrar is satisfied that the applicant has successfully completed a total of at least 210 credit hours of post-secondary study, comprised of
 - (a) the minimum requirement of 120 credit hours for a pre-service teacher education program;
 - (b) an additional 60 credit hours of approved study, of which at least 30 credit hours leads to the successful completion of a master's degree program offered by an accredited university; and
 - (c) an additional 30 credit hours of approved study leading to the successful completion of an additional master's degree program or a doctoral degree program offered by an accredited university.

Transitional

- (8) Where, pursuant to subsection 99(6) of the Act, an instructional license issued under the former Act is deemed to be a teacher's license, the qualification level assigned to the instructional license is deemed to be the qualification level assigned to the teacher's license.
(EC534/16)

5. New qualification level

- (1) On application by a teacher in the form required by the Registrar and payment of the fee set out in subsection 15(1), the Registrar shall assign a new qualification level in respect of the



teacher's license if the Registrar is satisfied that the teacher meets the requirements for the new qualification level set out in subsection 4(3), (4), (6) or (7), as the case may be.

Notice of refusal

- (2) Where the Registrar refuses to assign a new qualification level to a teacher's license or assigns a qualification level other than the one requested by the applicant under subsection (1), the Registrar shall serve notice of and reasons for the refusal or alternate assignment, in writing, on the teacher by regular mail, which is deemed to be received by the applicant five days after the date on which it was sent. (EC534/16)

6. Application for temporary permit

- (1) A person who applies for a temporary permit in accordance with section 100 of the Act shall provide the following documents with the application:
- (a) a statement of the results of a criminal record check and a vulnerable person sector search made in respect of the applicant, dated not earlier than 3 months prior to the date of the application;
 - (b) evidence satisfactory to the Registrar of the applicant's identity;
 - (c) evidence satisfactory to the Registrar that the applicant is entitled to work in Canada;
 - (d) official transcripts from each post-secondary institution that the applicant has attended.

Qualifications for temporary permit

- (2) To obtain a temporary permit, an applicant shall
- (a) have successfully completed two years of post-secondary study at an accredited university or a college in one or more teachable subject-areas; or
 - (b) hold a valid interprovincial standards (Red Seal) endorsement in a trade related to a teachable subject-area.

Restriction

- (3) The Registrar shall not issue a temporary permit to an applicant who, in the opinion of the Registrar, is qualified for a teacher's license.

Terms and conditions

- (4) The Registrar may impose terms and conditions on a temporary permit pursuant to subsection 100(4) of the Act, provided that, on issuing the temporary permit, the Registrar provides to the permit holder written reasons for the imposition of the terms and conditions.

Refusal to issue

- (5) In addition to the grounds set out in subsection 100(7) of the Act and pursuant to clause 100(7)(i) of the Act, the Registrar may refuse to issue a temporary permit to an applicant if the applicant is not entitled to work in Canada. (EC534/16; 263/17)

7. English or French proficiency

For the purposes of clauses 99(4)(b) and 100(7)(b) of the Act, an applicant's language proficiency in English or French may be evaluated

- (a) in the case of English language proficiency, through one of the following examinations:
 - (i) Test of English as a Foreign Language (TOEFL),

- (ii) International English Language Testing System Academic (IELTS); and
- (b) in the case of French language proficiency, through the Test pour étudiants et stagiaires au Canada (TESTCan). (EC534/16)

8. Appeal of refusal, terms and conditions, qualification level

- (1) A person may commence an appeal under subsection 101(1) of the Act by sending a written notice of appeal and the appeal fee set out in subsection 15(1) to the Minister, not later than 15 business days after the service of a notice under subsection 99(5) or 100(8) of the Act or subsection 5(2) or the provision of written reasons under subsection 2(3), 4(1) or 6(4).

Information required

- (2) The person shall attach to the notice of appeal referred to in subsection (1)
- (a) a copy of any notice or written reasons received by the person, the teacher's license or temporary permit issued to the person, if any, and any attachments;
 - (b) a description of the basis of the appeal; and
 - (c) a copy of any additional supporting documentation. (EC534/16)

9. Appeal board

- (1) The Minister shall appoint an appeal board composed of the following persons to hear an appeal under section 101 of the Act:
- (a) a person who is a member in good standing of the Law Society of Prince Edward Island, who shall be the chairperson of the appeal board;
 - (b) a teacher;
 - (c) a person with experience or an interest in education.

Appeal documents

- (2) The Minister shall provide to the appeal board a copy of the notice of appeal and any attached documents referred to in section 8. (EC534/16)

10. Powers of appeal board

The appeal board has the power

- (a) to hear and determine the person's appeal;
- (b) to administer oaths and affirmations; and
- (c) to summon and enforce the attendance of witnesses and to compel them to give oral or written evidence, and to produce documents. (EC534/16)

11. Appeal board determines own procedure

- (1) Except where otherwise provided in these regulations, the appeal board may determine its own procedure respecting the hearing.

Opportunity to be heard

- (2) The appeal board shall give the appellant the opportunity to be heard and to be represented by counsel.



Notice of hearing

- (3) The chairperson of the appeal board shall give notice to the appellant and the Registrar of the date, time and place of the hearing.

Quorum

- (4) The three members of the appeal board constitute a quorum.

Procedure

- (5) The decision of a majority of the members of the appeal board shall govern on questions of procedure, admissibility of evidence and other matters that arise during the hearing but, lacking a majority decision, the decision of the chairperson shall govern. *(EC534/16)*

12. Powers respecting refusal of Registrar

- (1) Where the hearing is in respect of the refusal of the Registrar to issue a teacher's license or a temporary permit, the appeal board may
 - (a) confirm the decision of the Registrar; or
 - (b) order that the Registrar issue the teacher's license or temporary permit, as the case may be, with terms and conditions specified by the appeal board or without terms and conditions.

Powers respecting imposition of conditions

- (2) Where the hearing is in respect of the imposition of terms and conditions on a teacher's license or a temporary permit, the appeal board may
 - (a) confirm the decision of the Registrar; or
 - (b) order that the Registrar remove or vary one or more of the terms and conditions imposed on the teacher's license or temporary permit, as the case may be.

Powers respecting qualification level

- (3) Where the hearing is in respect of the qualification level assigned in relation to a teacher's license, the appeal board may
 - (a) confirm the qualification level assigned by the Registrar; or
 - (b) order that the Registrar assign the qualification level specified by the appeal board to the teacher's license. *(EC534/16)*

13. Written reasons

- (1) The appeal board shall render its decision in writing within 30 days of the completion of the hearing, and shall provide copies of its decision to the appellant and the Registrar.

Majority decision

- (2) A decision of the majority of members of the appeal board shall be the decision of the appeal board.

Minority report

- (3) A member of the appeal board may submit a minority decision to the appellant and the Registrar. *(EC534/16)*

14. Statement of professional standing

On application by a teacher in the form required by the Registrar and payment of the fee set out in subsection 15(1), the Registrar shall issue a statement of professional standing to the teacher indicating the status of the teacher's license at the time the statement is issued. (EC534/16)

15. Fees

(1) The fees required under the Act or these regulations for the following documents provided or services performed are as follows:

- (a) an application for a teacher's license under section 98 of the Act, where the applicant completed a pre-service teacher education program in Canada, \$125;
- (b) an application for a teacher's license under section 98 of the Act, where the applicant completed a pre-service teacher education program outside of Canada, \$175;
- (c) an application for a temporary permit under section 100 of the Act, \$75;
- (d) an application for a new qualification level under section 5, \$50;
- (e) a statement of professional standing, \$25;
- (f) a replacement teacher's license or temporary permit, \$10;
- (g) an appeal of a decision of the Registrar under section 101 of the Act, \$200.

Idem

(2) The fees referred to in subsection (1) are payable to the Minister of Finance. (EC534/16)

16. Revocation

The *School Act* Teacher Certification and Standards Regulations (EC430/97) are revoked. (EC534/16)

