



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

EDUCATION ACT INSTRUCTIONAL PERSONNEL 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).

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EDUCATION ACT
Chapter E-.02

INSTRUCTIONAL PERSONNEL 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

In these regulations,

- (a) “**Act**” means the *Education Act* R.S.P.E.I. 1988, Cap. E-.02;
- (b) “**school day**” means a day when teachers are required to be on duty, in the classroom, at workshops, conventions or any other activities authorized by the education authority. (EC527/16)

2. School psychologists

For the purposes of subclause 1(1)(r)(ii) of the Act, school psychologists employed by an education authority are designated as instructional personnel. (EC527/16)

3. Probationary contract

- (1) Subject to section 4.1, an education authority may hire a person as instructional personnel under a probationary contract.

Term of contract

- (2) A probationary contract shall be effective for a period equivalent to at least 50 per cent of the school year, or for a period of at least one semester.

Commencement of employment

- (3) A probationary contract shall specify the date of commencement of employment. (EC527/16; 62/18)

4. Fixed-term contract

- (1) An education authority may hire a person as instructional personnel under a fixed-term contract.

Terms of contract

- (2) A fixed-term contract shall specify
- (a) the date of commencement of employment; and
 - (b) the termination date of the contract, if the date is earlier than June 30 in the school year in which the person is employed. *(EC527/16)*

4.1 Fixed-term contract

An education authority shall use a fixed-term contract when hiring a person as instructional personnel if

- (a) the period of employment will exceed 20 consecutive school days;
- (b) the person is hired to fill a temporary vacancy caused by an approved leave that will not exceed one school year; or
- (c) the person is a temporary permit holder who is qualified under subsection 6.1(2) to be employed by an education authority for a period of employment exceeding 20 consecutive school days. *(EC62/18)*

5. Permanent contract of employment

- (1) An education authority may hire a person as instructional personnel under a permanent contract of employment if the person
- (a) has satisfactorily completed the probationary requirements specified in subsection (2); or
 - (b) held a permanent contract in the previous school year with an education authority.

Probationary requirements

- (2) A person has satisfactorily completed the probationary requirements referred to in clause (1)(a) if the person has completed
- (a) at least two probationary contracts in two different school years within a period of five consecutive school years, and the last contract was for the school year immediately preceding the execution of the permanent contract referred to in subsection (1);
 - (b) two consecutive full-time fixed-term contracts, each of which was for a term of not less than 190 school days, in the two school years immediately preceding the execution of the permanent contract referred to in subsection (1); or
 - (c) one probationary contract and one full-time fixed-term contract, which was for a term of not less than 190 school days, in the two school years immediately preceding the execution of the permanent contract referred to in subsection (1).

Permanent contract from year to year

- (3) A permanent contract shall continue in force from school year to school year and shall not be terminated except in accordance with the Act.

New permanent contract

- (4) An education authority and a person hired as instructional personnel under a permanent contract shall enter into a new permanent contract if the person's workload under the permanent contract has been changed to an increased percentage of a full-time workload. *(EC527/16; 62/18)*



6. Credit for service with other education authority or school board

For the purposes of section 63 of the Act, an education authority shall credit time served by a person as instructional personnel under a probationary or permanent contract of employment with the other education authority or a school board under the former Act for the purposes of assessing whether the person has met the probationary requirements of subsection 5(2) and calculating the person's eligibility for benefits. (EC527/16)

6.1 Temporary permit holder, conditions

- (1) An education authority shall not hire a temporary permit holder for a period that is expected to exceed 20 consecutive school days unless
 - (a) the person has the qualifications specified in subsection (2);
 - (b) the education authority has been unable to hire a teacher with the appropriate qualifications, ability and suitability for the instructional position that is to be filled by the temporary permit holder; and
 - (c) the education authority has received the approval of the Minister to hire the temporary permit holder for a period that is to exceed 20 consecutive school days.

Qualifications

- (2) For the purposes of subsection (1), a temporary permit holder is qualified to be hired for a period that is expected to exceed 20 consecutive school days if the person
 - (a) has successfully completed 120 credit hours of study, offered at an accredited university, in one or more teachable subject-areas; or
 - (b) has successfully completed the requirements specified in clause 6(2)(b) of the Teacher Certification and Standards Regulations (EC534/16).

Definitions

- (3) For the purposes of subsection (2), the terms “**credit hours**”, “**accredited university**” and “**teachable subject-area**” have the meaning assigned to them in subsection 1(1) of the Teacher Certification and Standards Regulations. (EC62/18)

7. Employment as principal

- (1) An education authority shall not employ a person as a principal of a school after August 31, 2019, unless the person has the qualifications specified in subsection (2).

Qualifications of principal

- (2) For the purpose of subsection (1), a person is qualified to be employed as a principal of a school if the person is a teacher who
 - (a) holds a teacher's license that has been assigned a qualification level of level 6 or higher;
 - (b) has at least seven school years of teaching experience; and
 - (c) has successfully completed an administrator's leadership program approved by the Minister.

Exception

- (3) Notwithstanding subsection (1), where a teacher who is employed as a principal of a school immediately prior to September 1, 2019, does not have one or more of the qualifications specified in clauses (2)(a) to (c), the education authority may continue to employ the teacher as the principal of that school.

Idem

- (4) Notwithstanding subsection (1), on and after September 1, 2019, an education authority may, in the event of extenuating circumstances and subject to the approval of the Minister, employ a teacher who does not have one or more of the qualifications specified in clauses (2)(a) to (c) as the principal of a school for not more than five years.

Confirmation of qualifications

- (5) On application in the form required by the Registrar and payment of a fee of \$25, the Registrar may issue to a teacher who meets the qualifications specified in clauses (2)(a) to (c) a statement of qualification confirming the teacher's qualifications for employment by an education authority as a principal of a school. (EC527/16)

8. Employment as vice-principal

- (1) An education authority shall not employ a person as a vice-principal of a school after August 31, 2019, unless the person has the qualifications specified in subsection (2).

Qualifications of vice-principal

- (2) For the purpose of subsection (1), a person is qualified to be employed as a vice-principal of a school if the person is a teacher who
- (a) holds a teacher's license that has been assigned a qualification level of level 5 or higher;
 - (b) has at least five school years of teaching experience; and
 - (c) has successfully completed an administrator's leadership program approved by the Minister.

Exception

- (3) Notwithstanding subsection (1), where a teacher who is employed as a vice-principal of a school immediately prior to September 1, 2019, does not have one or more of the qualifications specified in clauses (2)(a) to (c), the education authority may continue to employ the teacher as the vice-principal of that school.

Idem

- (4) Notwithstanding subsection (1), on and after September 1, 2019, an education authority may, in the event of extenuating circumstances and subject to the approval of the Minister, employ a teacher who does not have one or more of the qualifications specified in clauses (2)(a) to (c) as the vice-principal of a school for not more than five years.

Confirmation of qualifications

- (5) On application in the form required by the Registrar and payment of a fee of \$25, the Registrar may issue to a teacher who meets the qualifications specified in clauses (2)(a) to (c) a statement of qualification confirming the teacher's qualifications for employment by an education authority as a vice-principal of a school. (EC527/16)

