



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PRIVATE SCHOOLS ACT REGULATIONS

PLEASE NOTE

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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



PRIVATE SCHOOLS ACT
Chapter P-20.01
REGULATIONS

Pursuant to section 17 of the *Private Schools Act* R.S.P.E.I. 1988, Cap. P-20.01, Council made the following regulations:

1. Definition

In these regulations, “**Act**” means the *Private Schools Act* R.S.P.E.I. 1988, Cap. P-20.01. (EC538/16)

2. Private school

For the purposes of subclause 1(e)(iii) of the Act, “private school” does not include a place in which instruction in an elementary or secondary education program is offered or provided to a person

- (a) for the purpose of tutoring, if the person is enrolled in
 - (i) a school operated by an education authority under the *Education Act* R.S.P.E.I. 1988, Cap. E-.02,
 - (ii) a private school registered under the Act, or
 - (iii) a home education program under the *Education Act*; or
- (b) as part of a home education program in accordance with the *Education Act*. (EC538/16)

3. Application for registration

- (1) For the purposes of section 4 of the Act, an applicant shall provide the following information and documents with an application for registration of a private school:
 - (a) the plan for the operation of the private school, including:
 - (i) an outline of the private school’s goals,
 - (ii) the program of study,
 - (iii) a course outline by grade level,
 - (iv) plans for staffing the private school;
 - (b) a description of the qualifications of all instructors to be employed by the applicant in the private school;
 - (c) a copy of each certificate, permit or report issued by the appropriate provincial authority respecting the compliance of the proposed private school with the

- applicable Acts, regulations and standards with respect to fire prevention, health and safety established by the province;
- (d) where the operator is a corporation,
 - (i) a statement of the corporate status of the applicant, and
 - (ii) a copy of the letters patent or articles of incorporation of the corporation;
 - (e) where the operator is a partnership, evidence that the partnership is registered under the *Partnership Act* R.S.P.E.I. 1988, Cap. P-1;
 - (f) a copy of the liability insurance certificate for the private school;
 - (g) a criminal record check and vulnerable sector search respecting the applicant and persons deemed to be associated with the applicant under subsection 4(6) of the Act, dated not earlier than six months prior to the date of the application.

Fee

- (2) An applicant shall submit a registration fee of \$200 with the application for registration referred to in subsection (1). (*EC538/16*)

4. Not suitable to have contact with students

For the purpose of clause 4(5)(c) of the Act, the following circumstances constitute reasonable grounds for the Administrator to believe that an applicant is not suitable to have contact with students as the operator of a private school:

- (a) a court has made a finding that a child is in need of protection under the *Child Protection Act* R.S.P.E.I. 1988, Cap. C-5.1, based in whole or in part on conduct of the applicant or a person associated with the applicant in relation to the child and, in the opinion of the Administrator, the operation of a private school by the applicant would endanger the health, safety or well-being of students;
- (b) the applicant or a person associated with the applicant has been found guilty of an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) for conduct of such a nature that, in the opinion of the Administrator, the operation of a private school by the applicant would endanger the health, safety or well-being of students. (*EC538/16*)

5. General standards to be maintained by operator

An operator of a private school shall ensure that:

- (a) the private school is operated in compliance with the Act and these regulations;
- (b) the applicant has liability insurance for the private school of at least \$2,000,000;
- (c) the private school is operated in compliance with any applicable municipal zoning bylaws;
- (d) where the operator is a corporation,
 - (i) the corporation is in good standing under the *Canada Business Corporations Act* (Canada), R.S.C. 1985, c. C-44, the *Companies Act* R.S.P.E.I. 1988, Cap. C-14, or the *Extra-Provincial Corporations Registration Act* R.S.P.E.I. 1988, Cap. E-14, as the case may be, under which it was incorporated or registered, and
 - (ii) the letters patent or articles of incorporation of the corporation permit the corporation to carry on the business of operating a private school;
- (e) where the operator is a partnership, the partnership is registered under the *Partnership Act*. (*EC538/16*)



6. Notice to Director

- (1) The operator of a private school shall notify the Administrator immediately on receipt of
 - (a) a direction by the Fire Marshal or an inspector under the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11, or the regulations made pursuant to it, respecting the private school; or
 - (b) a direction made by a public health official or an order made by the Chief Public Health Officer under the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.1, or the regulations made pursuant to it, respecting the private school.

Notice to Director of Child Protection

- (2) The operator of a private school who has reasonable and probable cause to believe that a student has been deserted, abandoned or abused shall immediately report the matter or cause it to be reported to the Director of Child Protection in accordance with the *Child Protection Act*. (EC538/16)

7. Protection from hazards

- (1) The operator of a private school shall take all reasonable steps to protect students attending the private school from hazards, including
 - (a) ensuring hazardous items are inaccessible to students, except as part of supervised instruction;
 - (b) storing poisonous substances in a locked enclosure;
 - (c) ensuring that any outdoor activity space on the private school premises is safe for use by students;
 - (d) ensuring playground equipment is in a good state of repair;
 - (e) ensuring that there are no public health hazards or hazards related to sanitation, potable water or food handling on the premises of the private school;
 - (f) ensuring there are no fire hazards on the premises of the private school; and
 - (g) ensuring that emergency and evacuation procedures are developed, implemented and maintained for the private school, and communicating those procedures to students and staff.

Idem

- (2) The operator of a private school shall take all reasonable steps to ensure a safe learning environment for the students attending the private school. (EC538/16)

8. Qualifications for instructors

For the purposes of clause 5(1)(b) of the Act, each instructor at the private school shall have successfully completed

- (a) a post-secondary program in education; or
- (b) a post-secondary program related to the subject matter included in the curriculum of the private school. (EC538/16)

9. Student enrolment and attendance information

- (1) For the purposes of subsection 6(1) of the Act, the operator of a private school shall provide the following information in the annual report on student enrolment at the private school:
 - (a) the name, date of birth and grade level of each student;

- (b) the name, address and phone number for the parent or guardian of each student;
- (c) the date of enrolment of each student;
- (d) the type of education program in which each student was enrolled prior to enrolment in the private school;
- (e) if known to the operator, the provincial student identification number of each student who was previously enrolled in a school operated by an education authority under the *Education Act*;
- (f) where a student has discontinued enrolment in the private school,
 - (i) the name, date of birth and date of exit of the student, and
 - (ii) if known to the operator, the education program in which the student has enrolled subsequent to discontinuing enrolment in the private school.

***Idem*, monthly report**

- (2) For the purposes of subsection 6(2) of the Act, the operator of a private school shall provide the following information in the monthly report on student attendance at the private school:
 - (a) the name, date of birth and grade level of each student;
 - (b) the number of instructional days in the month that each student attended and was absent from the private school. (*EC538/16*)

10. Appeal Board

- (1) The Minister shall appoint an Appeal Board for the purposes of section 12 of the Act composed of three persons, one of whom, who shall serve as chairperson, is a member of the Law Society of Prince Edward Island.

Term

- (2) The term of office of a member of the Appeal Board is three years and the member may be reappointed.

Remuneration, etc.

- (3) Members of the Appeal Board shall receive the remuneration, and are entitled to be reimbursed for the expenses, determined by the Minister. (*EC538/16*)

11. Information required

- (1) An operator of a private school or an applicant who files a notice of appeal shall in addition provide
 - (a) a brief summary of the operator's or applicant's reasons for appealing the decision of the Administrator; and
 - (b) any written copy of the decision of the Administrator and the reasons for it that the operator or applicant has received.

Idem

- (2) On receiving a notice of appeal, the chairperson of the Appeal Board shall notify the Administrator, who, on being notified, shall provide to the chairperson a written copy of the decision that is being appealed, the reasons for the decision and any related documents.

Fee for appeal

- (3) The fee for an appeal of a decision of the Administrator is \$200, payable when the notice of appeal is filed with the chairperson of the Appeal Board. (*EC538/16*)



12. Assistance

The Appeal Board may retain any legal or other assistance that it considers necessary for the purpose of reviewing a decision of the Administrator. (EC538/16)

13. Powers of Appeal Board

The Appeal Board has the power

- (a) to hear and determine the appeal of the Administrator's decision;
- (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. (EC538/16)

14. Determination of 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 Administrator 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 which arise during the hearing but, lacking a majority decision, the decision of the chairperson shall govern. (EC538/16)

15. Powers respecting suspension

- (1) Where the hearing is in respect of a suspension of the registration of a private school, the Appeal Board may
 - (a) confirm the suspension of the registration;
 - (b) reduce or increase the period of suspension of the registration; or
 - (c) order the reinstatement of the registration.

Powers respecting cancellation

- (2) Where the hearing is in respect of the cancellation of the registration of a private school, the Appeal Board may
 - (a) confirm the cancellation of the registration;
 - (b) substitute a period of suspension of the registration for the cancellation; or
 - (c) order the reinstatement of the registration.

Refusal to register private school

- (3) Where the hearing is in respect of a refusal by the Administrator to register a private school, the Appeal Board may
- (a) confirm the refusal to register the private school; or
 - (b) direct the Administrator to register the private school, with or without terms or conditions. *(EC538/16)*

16. Decision and reasons

The Appeal Board shall serve written notice of its decision in respect of an appeal and the reasons for the decision on the appellant and the Administrator. *(EC538/16)*

