



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



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) Subject to subsection (3), an education authority shall not appoint 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 appointed 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 the PEI School Administrator's Leadership Program or a program or courses considered equivalent and approved by the Minister, as confirmed by the Registrar pursuant to subsection (5).

Exception

- (3) Subsection (1) does not apply where the person is a teacher who
 - (a) has a permanent or probationary teaching contract with an education authority; and

- (b) held a fixed-term or permanent appointment as a principal of a school in the school year starting in September 2018 and ending in June 2019.

Exception, administrator's program

- (3.1) Notwithstanding subsection (1), an education authority may appoint a teacher who does not have the qualification specified in clause (2)(c) and is not subject to the exception in subsection (3) as the principal of a school, provided that the appointment is conditional on the teacher obtaining the qualification at the earliest opportunity following the appointment.

Exception, extenuating circumstances

- (4) Notwithstanding subsections (1) and (3.1), an education authority may, in the event of extenuating circumstances and subject to the approval of the Minister, appoint a teacher who does not have one or more of the qualifications specified in clauses (2)(a) to (c) and is not subject to the exception in subsection (3) as the principal of a school for not more than five years.

Confirmation of school administrator program or equivalent

- (5) On application in the form required by the Registrar and on payment of a fee of \$25, the Registrar may issue a written confirmation that a person has successfully completed the PEI School Administrator's Leadership Program or a program or courses considered equivalent and approved by the Minister.

Does not apply to acting or substitute principal

- (6) This section does not apply to the appointment of a teacher as an acting principal or a substitute for a principal. (*EC527/16; 543/19; 73/22*)

8. Employment as vice-principal

- (1) Subject to subsection (3), an education authority shall not appoint 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 appointed 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 the PEI School Administrator's Leadership Program or a program or courses considered equivalent and approved by the Minister, as confirmed by the Registrar pursuant to subsection (5).

Exception

- (3) Subsection (1) does not apply where the person is a teacher who
- (a) has a permanent or probationary teaching contract with an education authority; and
 - (b) held a fixed-term or permanent appointment as a principal or vice-principal of a school in the school year starting in September 2018 and ending in June 2019.

Exception, administrator's program

- (3.1) Notwithstanding subsection (1), an education authority may appoint a teacher who does not have the qualification specified in clause (2)(c) and is not subject to the exception in



subsection (3) as the vice-principal of a school, provided that the appointment is conditional on the teacher obtaining the qualification at the earliest opportunity following the appointment.

Exception, extenuating circumstances

- (4) Notwithstanding subsections (1) and (3.1), an education authority may, in the event of extenuating circumstances and subject to the approval of the Minister, appoint a teacher who does not have one or more of the qualifications specified in clauses (2)(a) to (c) and is not subject to the exception in subsection (3) as the vice-principal of a school for not more than five years.

Confirmation of school administrator program or equivalent

- (5) On application in the form required by the Registrar and on payment of a fee of \$25, the Registrar may issue a written confirmation that a person has successfully completed the PEI School Administrator's Leadership Program or a program or courses considered equivalent and approved by the Minister.

Does not apply to acting or substitute principal

- (6) This section does not apply to the appointment of a teacher as an acting vice-principal or a substitute for a vice-principal. (EC527/16; 543/19; 73/22)

9. Required qualification for permanent contract to teach core French

- (1) Notwithstanding subsection 5(1), the Public Schools Branch shall not hire a teacher under a permanent contract to provide instruction in a core French program unless the teacher has achieved an advanced level or higher in the New Brunswick Oral Language Proficiency Evaluation or an equivalent level of proficiency in a test approved by the Minister.

Probationary or fixed-term contract

- (2) Subject to subsection (3), where the Public Schools Branch is unable to recruit a teacher with the appropriate qualifications, ability and suitability, the Public Schools Branch may hire a teacher who does not have the qualification in subsection (1) under a probationary or fixed-term contract to provide instruction in a core French program.

Second or subsequent contracts

- (3) The Public Schools Branch shall not hire a teacher who does not have the qualification in subsection (1) under a second or subsequent probationary or fixed-term contract to provide instruction in a core French program unless
- (a) the Director of the Public Schools Branch is satisfied that the teacher has participated in professional development opportunities and French language training to improve the teacher's French language proficiency; and
 - (b) subject to the discretion of the Director of the Public Schools Branch in exceptional circumstances, the teacher's total period of employment providing instruction in a core French program will not exceed two years at the end of the contract.

Existing contract remains in force

- (4) For greater certainty, a permanent, probationary or fixed-term contract in force between the Public Schools Branch and a teacher providing instruction in a core French program immediately prior to the coming into force of this section remains in force on and after the coming into force of this section in accordance with its terms. (EC543/19; 73/22)

10. Required qualification for permanent contract to teach French immersion

- (1) Notwithstanding subsection 5(1), the Public Schools Branch shall not hire a teacher under a permanent contract to provide instruction in a French immersion program unless the teacher has achieved a superior level in the New Brunswick Oral Language Proficiency Evaluation or an equivalent level of proficiency in a test approved by the Minister.

Probationary or fixed-term contract

- (2) Subject to subsection (3), where the Public Schools Branch is unable to recruit a teacher with the appropriate qualifications, ability and suitability, the Public Schools Branch may hire a teacher who does not have the qualification in subsection (1) under a probationary or fixed-term contract to provide instruction in a French immersion program.

Second or subsequent contracts

- (3) The Public Schools Branch shall not hire a teacher who does not have the qualification in subsection (1) under a second or subsequent probationary or fixed-term contract to provide instruction in a French immersion program unless
- (a) the Director of the Public Schools Branch is satisfied that the teacher has participated in professional development opportunities and French language training to improve the teacher's French language proficiency; and
 - (b) subject to the discretion of the Director of the Public Schools Branch in extraordinary circumstances, the teacher's total period of employment providing instruction in a French immersion program will not exceed two years at the end of the contract.

Existing contract remains in force

- (4) For greater certainty, a permanent, probationary or fixed-term contract in force between the Public Schools Branch and a teacher providing instruction in a French immersion program immediately prior to the coming into force of this section remains in force on and after the coming into force of this section in accordance with its terms. *(EC543/19; 73/22)*

