

EC2016-522

**ARCHIVES AND RECORDS ACT
REGULATIONS
AMENDMENT**

Pursuant to section 20 of the *Archives and Records Act* R.S.P.E.I. 1988, Cap. A-19.1, the Lieutenant Governor in Council made the following regulations:

1. Section 1 of the *Archives and Records Act* Regulations (EC601/15) is amended

(a) by the revocation of clause (b);

(b) in clause (c), by the deletion of the words “*School Act*” and the substitution of the words “*Education Act* R.S.P.E.I. 1988, Cap. E-.02”;

(c) in clause (d), by the deletion of the period and the substitution of a semicolon; and

(d) by the addition of the following after clause (d):

(e) “Public Schools Branch” means the Public Schools Branch established under the *Education Act*. Public Schools
Branch

2. Section 2 of the regulations is amended

(a) by the revocation of clause (a);

(b) in clause (c), by the deletion of the period and the substitution of a semicolon; and

(c) by the addition of the following after clause (c):

(d) Public Schools Branch.

3. These regulations come into force on August 20, 2016.

EXPLANATORY NOTES

SECTION 1 amends section 1 of the regulations to revoke clause (b), which defines the English Language School Board, and to add a new clause (e) to define the Public Schools Branch. The section also replaces a reference to the *School Act* in clause (c) with an updated reference to the *Education Act*.

SECTION 2 amends section 2 of the regulations to revoke clause (a), which designates the English Language School Board as a public body for the purposes of the Act, and substitutes a new clause (d), which designates the Public Schools Branch for those purposes.

SECTION 3 provides for the commencement of the regulations.

EC2016-523

EDUCATION ACT
DECLARATION RE

Under authority of section 137(1) of the *Education Act* Stats. P.E.I. 2016, c. 6 Council ordered that a Proclamation do issue proclaiming the said "*Education Act*" to come into force effective August 20, 2016.

EC2016-524

EDUCATION ACT
EDUCATION AUTHORITY REGULATIONS

Pursuant to subsections 12(2) and 13(4) and section 107 of the *Education Act* R.S.P.E.I. 1988, Cap. E-.02, Council made the following regulations:

Interpretation

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| 1. In these regulations, | Definitions |
| (a) "Act" means the <i>Education Act</i> R.S.P.E.I. 1988, Cap. E-.02, except where otherwise indicated; | Act |
| (b) "Chief Electoral Officer" means the Chief Electoral Officer appointed under the <i>Election Act</i> R.S.P.E.I. 1988, Cap. E-1.1; | Chief Electoral Officer |
| (c) "director" means a member of the board of directors of the Public Schools Branch; | director |
| (d) "Election Regulations" means the Election Regulations made pursuant to the Act; | Election Regulations |
| (e) "school board election" means an election of trustees for the French Language School Board held in accordance with the Election Regulations; | school board election |
| (f) "trustee" means a member of the board of trustees of the French Language School Board. | trustee |

Members of the French Language School Board

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| 2. (1) The board of trustees of the French Language School Board shall be comprised of nine trustees elected or appointed in accordance with the Election Regulations and these regulations. | Composition of Board |
| (2) At its first meeting following a school board election, the board of trustees shall elect from among its members a chairperson and a vice-chairperson to serve for a term determined by the board. | Election of chairperson and vice-chairperson |
| (3) Subject to subsection (4), a person is qualified to hold office as a trustee if the person is | Qualifications |
| (a) a Canadian citizen; | |
| (b) at least eighteen years of age; | |
| (c) a resident of the electoral zone, as described in the Election Regulations, from which the person is elected or appointed; and | |
| (d) eligible to vote in a school board election under the Election Regulations. | |
| (4) A person is not qualified to hold office as a trustee if the person | Persons not qualified |
| (a) is an employee of an education authority; | |
| (b) is an employee of the Department who, in the opinion of the Minister, has a potential conflict of interest; | |
| (c) has been disqualified by resolution of the board of trustees in accordance with subsection 4(4) within the past five years; | |
| (d) has been found guilty of an offence under the Act or its regulations within the past five years; or | |
| (e) has been found guilty or convicted of an indictable offence for which an absolute discharge or a pardon has not been granted. | |

- 3.** The term of office of a trustee commences on July 1 following a school board election and ends on June 30 of the next year in which a school board election is held. Term of office
- 4.** (1) A trustee's position is considered vacant where Vacancy
- (a) the trustee resigns in accordance with subsection (2);
 - (b) the trustee is disqualified from holding office under subsection (3);
 - (c) the Minister makes an order under subsection 38(7) of the Act vacating the trustee's position; or
 - (d) the trustee ceases to hold office under subsection 39(3) of the Act or for any other reason during his or her term of office.
- (2) A trustee may resign from office by giving notice in writing to the chairperson or vice-chairperson of the board of trustees. Resignation of trustee
- (3) A trustee becomes disqualified from holding office as a trustee if he or she Disqualification of trustee
- (a) ceases to be a resident of the electoral zone, as described in the Election Regulations, from which the trustee was elected or appointed;
 - (b) becomes an employee of the education authority;
 - (c) becomes an employee of the Department who, in the opinion of the Minister, has a potential conflict of interest;
 - (d) becomes incapable of acting as a trustee;
 - (e) has a financial interest in a contract with the French Language School Board, other than a contract of employment with the trustee's spouse, child, parent or spouse's parent, and is in contravention of section 10 in relation to the contract;
 - (f) is disqualified by resolution of the board of trustees in accordance with subsection (4);
 - (g) is found guilty of an offence under the Act or its regulations; or
 - (h) is found guilty or convicted of an indictable offence for which an absolute discharge or a pardon has not been granted.
- (4) Where a trustee has been absent without reasonable cause from three consecutive meetings of the board of trustees, of which the trustee received proper notice, the board of trustees may disqualify the trustee by resolution and shall serve notice of the disqualification on the trustee. Disqualification by resolution
- 5.** (1) Subject to subsection (4), where a trustee's position becomes vacant in accordance with subsection 4(1) during the first two years of the trustee's term of office, the Chief Electoral Officer shall hold a by-election in accordance with the Election Regulations to fill the vacancy. Filling a vacancy by by-election
- (2) Subject to subsection (4), the Minister may fill a vacancy on the board of trustees by appointment where Filling a vacancy by appointment
- (a) a by-election held pursuant to subsection (1) does not fill the vacancy; or
 - (b) a trustee's position becomes vacant in accordance with subsection 4(1) after a trustee has served more than two years of the term of office.
- (3) For greater certainty, a person elected or appointed as a trustee under subsection (1) or (2) is elected or appointed to serve the balance of the term of the trustee he or she is replacing. Filling a vacancy means serving balance of term
- (4) Where a trustee's position becomes vacant because the trustee ceases to hold office under subsection 39(3) of the Act, the vacancy shall not be filled until the official trustee ceases to hold office. Vacancy not filled if official trustee

Members of the Public Schools Branch

- 6.** (1) Subject to subsection (2), a person is qualified to be appointed to the board of directors of the Public Schools Branch if the person is Qualifications
- (a) a Canadian citizen;
 - (b) a resident of Prince Edward Island; and
 - (c) at least eighteen years of age.
- (2) A person is not qualified to be appointed to the board of directors of the Public Schools Branch if the person Persons not qualified
- (a) is an employee of an education authority;

- (b) has been found guilty of an offence under the Act or its regulations within the past five years; or
- (c) has been found guilty or convicted of an indictable offence for which an absolute discharge or a pardon has not been granted.
7. (1) A director's position is considered vacant where Vacancy
- (a) the director resigns in accordance with subsection (2);
- (b) the director is disqualified from holding office under subsection (3);
- (c) the Minister makes an order under subsection 38(7) of the Act vacating the director's position; or
- (d) the director ceases to hold office under subsection 39(3) of the Act or for any other reason during his or her term of office.
- (2) A director may resign from office by giving notice in writing to the chairperson of the Public Schools Branch. Resignation of director
- (3) A director is disqualified from holding office as a director if he or she Disqualification of director
- (a) becomes an employee of an education authority;
- (b) becomes incapable of acting as a director;
- (c) has a financial interest in a contract with the Public Schools Branch, other than a contract of employment with the director's spouse, child, parent or spouse's parent, and is in contravention of section 10 in relation to the contract;
- (d) is found guilty of an offence under the Act or its regulations; or
- (e) is found guilty or convicted of an indictable offence for which an absolute discharge or a pardon has not been granted.
- Responsibilities and Remuneration of Members**
8. A member of an education authority has the following responsibilities: Responsibilities of members
- (a) to attend meetings of the members of the education authority and exercise the powers and duties of a member of the education authority in good faith;
- (b) to comply with
- (i) the Act and the regulations,
- (ii) an order of the Minister made pursuant to subsection 38(6) of the Act and directed to the member,
- (iii) the Minister's directives, and
- (iv) the policies of the education authority.
9. (1) Subject to subsections (2) and (3), an education authority may provide members of the education authority, other than the chairperson of the Public Schools Branch, with such remuneration as the Minister may determine. Remuneration
- (2) The total amount of remuneration paid per annum under this section with respect to the board of trustees of the French Language School Board shall not exceed \$30,150. Maximum remuneration for trustees
- (3) The total amount of remuneration paid per annum under this section with respect to the board of directors of the Public Schools Branch, not including the chairperson, shall not exceed \$20,000. Maximum remuneration for directors
- (4) An education authority may provide remuneration under this section annually or per meeting attended by a member of the education authority. Remuneration annually or per meeting
- (5) An education authority may establish different rates of remuneration for Rates of remuneration
- (a) the chairperson, committee chairpersons and other officers or members of the education authority; and
- (b) regular meetings and committee meetings.
- (6) An amount not exceeding one-third of the total remuneration paid to a member of an education authority in any year shall be designated as having been paid in respect of general expenses incurred by the member, incidental and necessary to the discharge of the member's duties. Designated portion for expenses
- (7) A member of an education authority may request the education authority to deduct a portion of the member's remuneration for tax Deduction and remittance of tax

purposes and, where a request is made, the education authority shall deduct the amounts requested and remit them to the Canada Revenue Agency on behalf of the member.

(8) In addition to remuneration payable to a member of the education authority under this section, the education authority shall pay for expenses incurred by a member for travel, meals, accommodation and other incidental expenses, approved by the education authority, in accordance with the rates applicable to provincial government employees.

Expenses in addition to remuneration

10. (1) Subject to section 11, where a member of an education authority has a pecuniary interest in a matter and is present at a meeting of the education authority in which the matter is considered, the member

Duties of member with pecuniary interest

- (a) shall disclose the general nature of the pecuniary interest prior to any discussion of the matter;
- (b) shall not take part in the discussion of or vote on any question in respect of the matter;
- (c) shall not attempt in any way, whether before, during or after the meeting, to influence any voting on any question in respect of the matter; and
- (d) subject to subsection (2), shall leave the room in which the meeting is being held until the discussion and voting on the matter are concluded.

(2) Clause 1(d) does not apply where the matter in respect of which the member of the education authority has a pecuniary interest is the payment of an account for which funds have previously been committed.

Exception

(3) Subject to section 11, where a member of an education authority has a pecuniary interest in a matter but is not present at a meeting of the education authority in which the matter is considered, the member shall disclose the pecuniary interest and otherwise comply with the requirements of this section at the next meeting of the education authority that the member attends.

Idem

(4) The abstention of a member of an education authority under subsection (1) and the disclosure of a member's pecuniary interests under subsections (1) or (3) shall be recorded in the minutes of the meeting.

Record in minutes

11. (1) Section 10 does not apply with respect to a pecuniary interest in a matter that a member of an education authority may have

Exception to duties

- (a) as an elector of the French school system;
- (b) as the representative of the education authority on any commission, committee or other body;
- (c) by entitlement to receive an allowance, honorarium, indemnity, benefit, expense or remuneration in respect of the matter;
- (d) as an employee of the Department;
- (e) as an employee of the Government of Canada, the Government of Prince Edward Island, other than the Department, or a federal or provincial Crown corporation or agency, other than an education authority, except with respect to a matter directly affecting the department, corporation or agency of which the member is an employee; or
- (f) as a member, but not an employee or director, of a credit union or a co-operative formed under an Act or legislation enacted by the Parliament of Canada.

(2) Section 10 does not apply with respect to a pecuniary interest of a member of an education authority that is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member.

Idem

12. For the purposes of sections 10 and 11, the pecuniary interests of a member of an education authority are deemed to include the pecuniary interests, known to the member or which the member ought reasonably to have known, of the member's spouse, child, parent or spouse's parent.

Deemed pecuniary interests

Meetings

13. (1) The members of an education authority shall, in respect of meetings of the members,

Duties respecting meetings

- (a) establish policies and procedures respecting the conduct of meetings;
- (b) give public notice of the date, time and location of each meeting; and
- (c) hold an annual meeting prior to the submission of the annual report of the education authority to the Minister.

(2) Subject to subsection (3), a meeting of the members of an education authority shall be open to the public. Meeting open to public

(3) Where, in the opinion of the members of an education authority, it is in the public interest or for the purpose of protecting the privacy of an individual student or employee, the members may exclude persons other than members from all or part of a meeting of the members of the education authority. Exception

(4) Where persons other than members are excluded from a meeting of the members of an education authority, the members may not take any action by resolution except on matters affecting an individual student or employee or for the purpose of opening the meeting to the public. Limitation on actions by resolution

French Language School Board

14. In addition to the responsibilities of an education authority described in subsections 20(2) and (3) of the Act and any other regulations made pursuant to the Act, the French Language School Board has the following responsibilities: Responsibilities of French Language School Board

- (a) to provide for the recruitment, employment, management and evaluation of the staff of the education authority and identification of staff development needs;
- (b) to provide for the transportation of students to and from school;
- (c) to ensure the development of and approve school effectiveness plans;
- (d) to monitor and evaluate the effectiveness of schools.

Public Schools Branch

15. (1) In addition to the responsibilities of an education authority described in subsections 20(2) of the Act and any other regulations made pursuant to the Act, the Public Schools Branch has the following responsibilities: Responsibilities of Public Schools Branch

- (a) to provide for the recruitment, employment, management and evaluation of the staff of the education authority;
- (b) to provide for the transportation of students to and from school;
- (c) to ensure the development of and approve school effectiveness plans;
- (d) to follow the direction of the Minister respecting the monitoring and evaluation of the effectiveness of schools;
- (e) to follow the direction of the Minister respecting the delivery of professional development to address instructional personnel development needs;
- (f) to follow the direction of the Minister respecting the implementation of the courses of study and education programs prescribed, approved or authorized pursuant to the Act.

(2) In addition to the responsibilities of a Director described in subsection 15(2) of the Act, the Director of the Public Schools Branch shall Responsibilities of the Director

- (a) provide advice to employees of the Department respecting the alignment of Department initiatives with the operations of the Public Schools Branch; and
- (b) collaborate with employees of the Department in the development and implementation of initiatives to promote student achievement.

Closure of a School

16. An education authority may close a school operated by the education authority for a specified period if Temporary closure

- (a) the education authority has arranged for the accommodation of the students of the school in another facility; and

- (b) the Minister has approved the closure of the school for the specified period.
- 17.** (1) An education authority shall develop a policy identifying the factors to be considered by the education authority with respect to the permanent closure of a school operated by the education authority. Permanent closure - policy
- (2) The factors to be included in a policy developed by the education authority pursuant to subsection (1) shall include Policy to include factors
- (a) the possible effects of the permanent closure of the school on
- (i) the educational opportunities available to students in that school and in other schools operated by that education authority or any other education authority,
- (ii) the costs of providing educational services to the students affected, and
- (iii) the affected communities;
- (b) enrolment and population patterns and projections;
- (c) information available to the education authority regarding future developments in the community; and
- (d) in the case of a school in the French school system,
- (i) the right of eligible parents to enrol their children in French first language education under section 23 of the *Canadian Charter of Rights and Freedoms*, and
- (ii) the possible effects of the permanent closure of the school with respect to French language and culture in an area of the province.
- (3) The policy developed by the education authority pursuant to subsection (1) shall provide for Additional components of policy
- (a) a defined time period during which persons may provide input following the public release of a report referred to in section 18;
- (b) the manner in which notice shall be made to the public of
- (i) the release of a report referred to in section 18, and
- (ii) opportunities available to persons to provide input in advance of the education authority's final decision regarding whether to request the approval of the Lieutenant Governor in Council to permanently close a school; and
- (c) the date in a school year by which the education authority shall make its final decision regarding whether to request the approval of the Lieutenant Governor in Council to permanently close a school.
- 18.** (1) An education authority shall prepare a report identifying any schools operated by the education authority to be considered for permanent closure. Report by education authority
- (2) The Director shall ensure each member of the education authority has a copy of the report. Copy to each member
- (3) The report shall be tabled at a meeting of the members of the education authority and released for public input in accordance with the policy developed by the education authority under section 17. Tabling and release of report
- (4) The education authority shall ensure public access to the report by Public access
- (a) making copies available for review at its offices or other locations convenient for the public;
- (b) providing a reasonable number of copies to interested persons either without charge or at a price not greater than the cost of printing the report; and
- (c) posting the report on the education authority website.
- 19.** (1) Following the public release of a report in accordance with section 18, the education authority shall invite public input, provide for the receipt of written briefs and hold at least one public meeting to consider the report. Public input
- (2) Notice of the invitation for public input and written briefs and the public meeting referred to in subsection (1) shall be given in accordance with the policy developed by the education authority under section 17. Notice in accordance with policy
- 20.** An education authority shall make its final decision regarding whether to request the approval of the Lieutenant Governor in Council to permanently close a school operated by the education authority, in Decision

accordance with the policy developed by the education authority under section 17.

21. Despite any other provision in these regulations, an education authority may immediately request the approval of the Lieutenant Governor in Council to permanently close a school operated by the education authority, where continuing to operate the school would create a significant risk to the health or safety of students, education authority employees and other persons on the school premises.

Exception, risk to health and safety

22. An education authority shall make the following information available for examination by any person at all reasonable times:

Public information

- (a) policies and procedures of the education authority respecting the permanent closure of a school;
- (b) any report that the education authority considers in making its final decision respecting the permanent closure of a school;
- (c) these regulations.

23. (1) After an education authority permanently closes a school, the Director of the education authority shall prepare a report respecting the effects of the permanent closure of the school.

Report following closure

(2) The Director shall submit the report referred to in subsection (1) to the members of the education authority not later than December 31 following the permanent closure of the school.

Deadline for submission to members

Financial Administration

24. An education authority shall submit to the Minister, on or before October 1 each year, information respecting the funding requirements of the education authority for the next fiscal year.

Funding requirements

25. An education authority shall maintain the following administrative and financial operating control systems and safeguards:

Required operating systems

- (a) a financial information system, using a chart of accounts approved by the Minister;
- (b) a common payroll system, using an account code structure approved by the Minister;
- (c) a student record system, approved by the Minister;
- (d) any other system deemed necessary by the education authority or directed by the Minister.

26. An education authority may maintain accounts in the following types of financial institutions:

Financial institutions

- (a) a chartered bank, as defined in the *Bank Act* (Canada);
- (b) a credit union, as defined in the *Credit Unions Act* R.S.P.E.I. 1988, Cap. C-29.1;
- (c) a trust company, as defined in the *Trust Companies Act* (Canada).

27. (1) For the purposes of subsection 93(3) of the Act and these regulations, “capital construction project” means

Capital construction project defined

- (a) the construction of a school building;
- (b) the construction of an addition to a school building; or
- (c) any major repairs or maintenance projects for school premises that have a projected cost exceeding \$10,000.

(2) An education authority may, on or before September 15 in a year, by resolution, request the Minister to recommend to the Minister of Transportation, Infrastructure and Energy the undertaking of a capital construction project during the next fiscal year.

Request for capital construction project

(3) Despite subsection (2), where a capital construction project is urgent, an education authority may, at any time, by resolution, request the Minister to recommend to the Minister of Transportation, Infrastructure and Energy the undertaking of a capital construction project.

Emergency request

(4) A request referred to in subsection (2) or (3) shall contain the following information:

Idem

- (a) the relationship of the project to the overall facilities plan for the education authority, including the relative priority of the project;
- (b) a complete description of the need for and the nature of the project;

- (c) a complete description of existing and proposed changes to school attendance zones;
- (d) an estimate of costs;
- (e) information on the feasibility of alternatives to the project;
- (f) such other information as may be required by the Minister.
- (5) An education authority shall not undertake a capital construction project. Prohibition
- 28.** (1) For the purposes of section 94 of the Act, the policies of insurance an education authority shall keep in force for liability arising from claims for damages to persons or property as described in that section shall include the following types of insurance, as defined in the *Insurance Act* R.S.P.E.I. 1988, Cap. I-4: Insurance
- (a) automobile insurance;
- (b) boiler and machinery insurance;
- (c) property damage insurance.
- (2) A policy of insurance an education authority keeps in force for liability arising from claims for damages to persons shall include coverage for that purpose in an amount directed by the Minister. Minimum coverage for damages to persons
- (3) A policy of insurance an education authority keeps in force for liability arising from claims for damages to property shall include coverage for that purpose in an amount reflective of the value of the property insured. Coverage for damage to property
- (4) Subject to subsection (5), an education authority may obtain a policy of insurance from the Treasury Board under Part II of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, or another insurer approved by the Minister. Insurer
- (5) An education authority shall not obtain a policy of insurance covering a period of more than five years for liability arising from claims for damages to property from an insurer other than the Treasury Board. Policy period more than five years
- 29.** The *School Act* Finance Regulations (EC336/96) and *School Act* School Closure Regulations (EC483/98) are revoked. Revocation
- 30.** These regulations come into force on August 20, 2016. Commencement

EXPLANATORY NOTES

SECTION 1 defines terms used in these regulations.

SECTION 2 provides for the composition of the board of trustees of the French Language School Board and requires the board to elect a chairperson and vice-chairperson from among its members at the first meeting following a school board election. It also sets out the qualifications to be elected or appointed as a trustee and persons who are not qualified.

SECTION 3 sets out the term of office of a trustee.

SECTION 4 sets out when a trustee's position is considered vacant, provides for the resignation of a trustee, and sets out circumstances in which a trustee becomes disqualified from holding office.

SECTION 5 provides for the filling of a vacancy on the board of trustees.

SECTION 6 sets out the qualifications to be appointed to the board of directors of the Public Schools Branch and the persons who are not qualified.

SECTION 7 sets out when a director's position is considered vacant, provides for the resignation of a director, and sets out circumstances in which a director becomes disqualified from holding office.

SECTION 8 sets out the responsibilities of a member of an education authority, which is defined in the Act as a trustee or a director, as the case may be.

SECTION 9 provides for the remuneration and reimbursement of expenses of members of an education authority, other than the chairperson of the Public Schools Branch.

SECTION 10 sets out the duties of a member of an education authority who has a pecuniary interest in a matter considered at a meeting where the member is present.

SECTION 11 sets out exceptions to the duties in section 10.

SECTION 12 deems the pecuniary interests of a member to include the pecuniary interests known to the member of the member's spouse, child, parent or spouse's parent.

SECTION 13 sets out the duties of members of an education authority with respect to the meetings of the members. It requires meetings to be open to the public except where the members believe it is in the public interest or in the interests of an individual student or employee to hold a meeting or part of a meeting in private. Members may not take any action by resolution at a private meeting, except in relation to an individual student or employee or for the purpose of opening the meeting to the public.

SECTION 14 sets out responsibilities of the French Language School Board, in addition to those in the Act and any other regulations made pursuant to the Act.

SECTION 15 sets out responsibilities of the Public Schools Branch and its Director, in addition to those in the Act and any other regulations made pursuant to the Act.

SECTION 16 provides for the temporary closure of a school by an education authority.

SECTION 17 requires an education authority to develop a policy identifying factors to be considered with respect to the permanent closure of a school and sets out factors and other matters to be included in the policy.

SECTION 18 requires an education authority to prepare a report identifying schools to be considered for permanent closure and requires the report to be tabled at a meeting of the education authority and made available to the public in various ways.

SECTION 19 requires an education authority to invite public input in various ways on a report referred to in section 18.

SECTION 20 requires an education authority to make its final decision regarding whether to request the approval of the Lieutenant Governor in Council to permanently close a school in accordance with its policy.

SECTION 21 provides that despite any other provision of these regulations, an education authority may immediately request the approval of the Lieutenant Governor in Council to permanently close a school where continuing to operate the school would create a significant risk to the health or safety of students, employees or other persons on the school premises.

SECTION 22 requires an education authority to make policies and procedures and any report in respect of the permanent closure of a school and these regulations available for examination by the public.

SECTION 23 requires the Director of an education authority to prepare a report respecting the effects of the permanent closure of a school and

submit it to the members of the education authority by December 31 following the closure of the school.

SECTION 24 requires an education authority to submit its funding requirements for the next fiscal year to the Minister by October 1 each year.

SECTION 25 requires an education authority to maintain specified administrative and financial operating control systems and safeguards.

SECTION 26 sets out the types of financial institutions where an education authority may maintain accounts.

SECTION 27 defines “capital construction project”, sets a deadline of September 15 for an education authority to request the Minister to recommend to the Minister of Transportation, Infrastructure and Energy the undertaking of a capital construction project during the next fiscal year, unless the project is urgent, sets out the information a request shall include and prohibits an education authority from undertaking a capital construction project.

SECTION 28 sets out insurance-related requirements and restrictions for an education authority.

SECTION 29 revokes the *School Act* Finance Regulations (EC336/96) and the *School Act* School Closure Regulations (EC483/98).

SECTION 30 provides for the commencement of these regulations.

EC2016-525

EDUCATION ACT ELECTION REGULATIONS

Pursuant to subsection 12(2) of the *Education Act* R.S.P.E.I. 1988, Cap. E-.02, Council made the following regulations:

- | 1. In these regulations, | Definitions |
|--|--------------------------------|
| (a) “Act” means the <i>Education Act</i> R.S.P.E.I. 1988, Cap. E-.02; | Act |
| (b) “ballot” means the portion of a ballot paper that has been marked by a voter, detached from the counterfoil and deposited in the ballot box; | ballot |
| (c) “Chief Electoral Officer” means the Chief Electoral Officer appointed under the <i>Election Act</i> R.S.P.E.I. 1988, Cap. E-1.1; | Chief Electoral Officer |
| (d) “Deputy Chief Electoral Officer” means the Deputy Chief Electoral Officer appointed under the <i>Election Act</i> ; | Deputy Chief Electoral Officer |
| (e) “election documents” means the documents or papers directed in these regulations to be delivered to the Chief Electoral Officer, after an election, by a returning officer; | election documents |
| (f) “election officer” means the Chief Electoral Officer, the Deputy Chief Electoral Officer and every returning officer, election clerk, deputy returning officer, poll clerk or other person appointed by the Chief Electoral Officer to assist in the conduct of an election under these regulations; | election officer |
| (g) “eligible voter” means a person referred to in subsection 4(1); | eligible voter |
| (h) “school board election” means an election under these regulations; | school board election |
| (i) “trustee” means a trustee of the French Language School Board. | trustee |
| 2. (1) Elections for trustees of the French Language School Board shall be held on the last Monday in May in 2018 and every fourth year following. | Election date |

- (2) For the purposes of the elections of trustees, the province is divided into six electoral zones as described in the Schedule to these regulations. Electoral zones
- 3.** (1) Subject to subsection (2), trustees shall be elected from the electoral zones described in the Schedule to these regulations as follows: Trustees elected from zones
- (a) two trustees from each of Zones 1, 3 and 5;
- (b) one trustee from each of Zones 2, 4 and 6.
- (2) Where a school board election produces fewer than the required number of trustees, the Minister shall appoint, from among those persons eligible to be trustees, the additional trustees necessary to fill the vacant positions. Appointment
- 4.** (1) A person is eligible to vote in a school board election if the person Eligible voter
- (a) is a Canadian citizen;
- (b) is at least eighteen years of age on the date of the election;
- (c) has been resident in the province for at least the six months immediately preceding the date the election is called; and
- (d) meets one of the following requirements:
- (i) the person is an eligible parent, or
- (ii) the person would be an eligible parent if the person had a child.
- (2) The French Language School Board, in consultation with the Chief Electoral Officer, may develop policies to provide for the manner in which a person may establish that the person meets one of the requirements specified in clause (1)(d). Policies
- (3) An eligible voter shall vote only in the electoral zone in which the voter resided on the date the election was called. Voting in electoral zone
- 5.** (1) Subject to subsection (2), a person is eligible to be nominated and run as a candidate for trustee if the person Eligible candidate
- (a) meets the qualifications set out in clauses 4(1)(a), (b) and (d); and
- (b) has been resident in the electoral zone in which the person proposes to run as candidate for at least the six months immediately preceding the date the election is called.
- (2) The following persons are not eligible to be nominated or to run as a candidate: Ineligibility
- (a) a person who is not qualified pursuant to subsection (1);
- (b) an employee of an education authority;
- (c) an employee of the Department who, in the opinion of the Minister, has a potential conflict of interest;
- (d) a person who, immediately preceding the date the election is called, is or has become disqualified from holding office as a trustee under the *Education Act* Education Authority Regulations;
- (e) a person who has been found guilty or convicted of an indictable offence for which an absolute discharge or a pardon has not been granted.
- 6.** (1) The Chief Electoral Officer shall administer school board elections. Chief Electoral Officer
- (2) The Chief Electoral Officer may appoint such employees as the Chief Electoral Officer considers necessary to perform the duties of the office. *Idem*
- 7.** (1) The Chief Electoral Officer shall, on a date within a period of not more than 32 clear days and not less than 26 clear days prior to the last Monday in May in an election year, call the school board election and publish in accordance with clause 8(1)(g) a call for nominations. Call for nominations
- (2) On election day, the polling stations shall open at 12 noon and close at 8 p.m. Polling station hours, election day
- 8.** (1) The Chief Electoral Officer shall Powers and duties of Chief Electoral Officer
- (a) exercise general direction and supervision over the conduct and administration of school board elections;

- (b) instruct each returning officer appointed under subsection 9(1) and provide the necessary supervision to ensure the effective conduct of school board elections;
- (c) furnish official ballot boxes and ballot papers to the polling stations and make rules respecting the use, transport and security of the ballot boxes, ballot papers and ballots;
- (d) develop and approve any forms necessary for the conduct of school board elections;
- (e) have the discretion to adapt the provisions of these regulations to existing circumstances where the Chief Electoral Officer considers it necessary;
- (f) be responsible solely to the Minister;
- (g) publish notices respecting the nomination and election of trustees in daily and weekly newspapers in the province, in English and French, as the Chief Electoral Officer considers appropriate;
- (h) enforce, on the part of election officers, fairness, impartiality and compliance with the Act and these regulations; and
- (i) exercise the powers necessary to fulfil the office of Chief Electoral Officer in conducting the school board elections.
- (2) If, during the course of any election, it appears to the Chief Electoral Officer that insufficient time has been allowed or insufficient election officers or polling stations have been provided for the execution of any of the purposes of these regulations, by reason of the operation of any provision of these regulations, any mistake or miscalculation or any unforeseen emergency, the Chief Electoral Officer may, notwithstanding anything in these regulations,
- (a) except as provided in this subsection, extend or abridge the time for doing any act;
- (b) increase the number of election officers;
- (c) increase the number of polling stations; and
- (d) generally adapt the provisions of these regulations to existing circumstances,
- but the Chief Electoral Officer shall not
- (e) extend the hour for the opening or closing of an ordinary polling station, or for accepting a nomination paper on nomination day; or
- (f) change the date of the election.
- 9. (1)** The Chief Electoral Officer shall appoint a returning officer for each electoral zone.
- (2) Each returning officer shall
- (a) report to and be responsible to the Chief Electoral Officer;
- (b) exercise direction and supervision over the administration of the election in the electoral zone for which the returning officer was appointed, subject to the rules and instructions issued by the Chief Electoral Officer;
- (c) deliver the nomination papers filed for the electoral zone to the Chief Electoral Officer within 24 hours of the closing of nominations;
- (d) designate places for polling stations in the electoral zone for eligible voters to register and to vote;
- (e) ensure the delivery, after election day, to the Chief Electoral Officer of ballots, ballot boxes and other materials in accordance with the instructions of the Chief Electoral Officer;
- (f) exercise any other powers prescribed by these regulations or assigned by the Chief Electoral Officer.
- (3) Each returning officer shall appoint a deputy returning officer for each polling station within an electoral zone.
- (4) Each deputy returning officer shall
- (a) report to and be responsible to the returning officer;
- (b) exercise supervision and administration of the electoral procedures at the polling station for which the deputy returning officer was appointed, subject to the rules and instructions issued by the Chief Electoral Officer;
- (c) require eligible voters to register by completing a credential certificate in accordance with the instructions of the Chief Electoral Officer;

Special powers for
Chief Electoral
Officer

Returning officers

Duties of returning
officers

Deputy returning
officers

Duties of deputy
returning officers

- (d) on election day, prominently display voting instructions at the entrance to and within the polling station;
- (e) on election day, maintain order at the polling station;
- (f) appoint a poll clerk for the polling station;
- (g) inform the Chief Electoral Officer of the results of ballot counts as soon as possible after the close of the polling station on election day;
- (h) exercise any other powers prescribed by these regulations or assigned by the Chief Electoral Officer.
- 10.** (1) Any 10 or more eligible voters may nominate a candidate for trustee for the electoral zone in which the nominators reside by filing with the returning officer a nomination paper in the form approved by the Chief Electoral Officer, in accordance with subsection (2). Ten persons
nominate candidate
- (2) The returning officer shall accept nomination papers at any time between the Monday that is four weeks before election day and 4 p.m. on nomination day. Nominations
accepted
- (3) Nomination day shall be the Friday that is the seventeenth day before election day. Nomination day
- 11.** (1) Within 24 hours of the closing of nominations, the returning officer shall deliver the nomination papers to the Chief Electoral Officer. Delivery of
nomination papers
- (2) After nomination day, the Chief Electoral Officer shall Functions
- (a) determine the eligibility of candidates; and
- (b) publish in the daily and weekly newspapers in the province, in English and French, as the Chief Electoral Officer considers appropriate,
- (i) the names of all eligible candidates,
- (ii) the names of their respective electoral zones, and
- (iii) the location of the polling stations in each electoral zone.
- 12.** (1) If, on nomination day, only the required number of candidates have been nominated for a particular electoral zone, the returning officer shall immediately report that fact to the Chief Electoral Officer, who shall determine which of the candidates are eligible candidates and elected by acclamation. Election by
acclamation
- (2) The Chief Electoral Officer shall report to the Minister the fact that there are eligible candidates elected by acclamation, and the Minister shall appoint those candidates as duly elected trustees. *Idem*
- 13.** (1) An eligible voter shall Duties of eligible
voter
- (a) register with the deputy returning officer by giving the voter's name and address;
- (b) complete a credential certificate;
- (c) exchange the credential certificate for a ballot paper;
- (d) mark the ballot paper in accordance with the posted instructions, indicating the candidate or candidates for whom the voter intends to vote;
- (e) fold the ballot paper so that the initials and the serial number can be seen without unfolding it; and
- (f) return it to the deputy returning officer, who shall, without unfolding it, ascertain by examination of the initials and serial number whether it is the same ballot paper that was given to the voter.
- (2) If the ballot paper referred to in clause (1)(f) is the same ballot paper that was given to the voter, the deputy returning officer shall remove the ballot paper's counterfoil in full view of the voter and all others present Duties of deputy
returning officer
- (a) may, if requested to do so by the voter, return the folded ballot paper, minus its counterfoil, to the voter, who shall immediately place the ballot in the ballot box; or
- (b) shall place the ballot in the ballot box.
- 14.** (1) Where an eligible voter is unable to vote in the manner referred to in section 13 because the voter is unable to read or write, or is incapacitated by blindness or other physical infirmity, the voter may Eligible voter,
incapacitated

request a friend or the deputy returning officer to assist in any or all of the following ways:

- (a) by reading the credential certificate and having the voter sign it or make a mark with an “X”;
- (b) by signing the certificate as witness and endorsing the name of the voter on it;
- (c) by marking the ballot paper in the manner directed by the voter;
- (d) by folding the ballot paper in preparation for placement in the ballot box in accordance with subsection 13(2), which applies with the necessary modifications.

(2) The poll clerk shall record in the poll book

- (a) each request for assistance under this section; and
- (b) a description of the procedure followed in providing assistance to the voter.

Documenting
assistance

15. (1) Despite sections 13 and 14, the Chief Electoral Officer may by order provide for voting in a school board election

- (a) at an advance poll; or
- (b) by means of a mail-in ballot.

Order for advance
poll or mail-in
ballot

(2) The provisions of the *Election Act* relating to voting at an advance poll or by means of a mail-in ballot apply to voting pursuant to an order of the Chief Electoral Officer under subsection (1) with any necessary changes.

Election Act applies

16. (1) Each candidate may appoint one agent to represent the candidate at each polling station.

Candidate’s agent

(2) A candidate’s agent shall carry a certificate of his or her appointment as agent that is signed by the candidate and shall produce the certificate on demand by a returning officer or deputy returning officer.

Proof of
appointment

17. At the close of the poll, and in the presence of the poll clerk and the candidates or agents or, if none are present, then in the presence of at least two eligible voters, the deputy returning officer shall

Duties of returning
officer at poll close

- (a) open the ballot box; and
- (b) count the votes by using the following method:
 - (i) the deputy returning officer shall have the poll clerk complete the tally sheet and give a tally sheet to at least two other persons present in the polling station,
 - (ii) after each person present is given full opportunity to examine a ballot, the deputy returning officer shall decide whether the ballot should be rejected or counted,
 - (iii) if the ballot is counted, the deputy returning officer shall call out the vote and have it entered on the tally sheet,
 - (iv) if the ballot is rejected, the deputy returning officer shall place it in a separate envelope.

18. If, during the counting of the votes, any of the persons referred to in section 17 objects to any ballot, the deputy returning officer shall hear and decide every question arising out of the objection, and the deputy returning officer’s decision is final.

Objection to ballot

19. (1) After counting the votes, the deputy returning officer shall

- (a) place the ballots for each candidate in marked envelopes and seal them;
- (b) complete the required number of statements of poll supplied by the Chief Electoral Officer;
- (c) sign the statements of poll and have the poll clerk and such other persons present who desire to do so sign them; and
- (d) deposit all ballots, credential certificates, tally sheets and the poll book in the ballot box.

Duties of returning
officer after
counting ballots

(2) The deputy returning officer shall, immediately on completion of the duties specified in subsection (1), deliver all ballot boxes with their contents to the returning officer for the electoral zone or as otherwise directed by the Chief Electoral Officer.

Delivery to
returning officer

(3) The returning officer shall remove the poll books from the ballot boxes, complete the required number of copies of a consolidated

Consolidated
statement

statement of the polling stations within the electoral zone, and dispose of them as follows:

- (a) one consolidated statement shall be retained;
- (b) one consolidated statement shall be delivered to the Chief Electoral Officer within twenty-four hours after the date designated as election day;
- (c) one consolidated statement shall be delivered or mailed to each candidate.

(4) The returning officer shall secure the ballot box or boxes, credential certificates, ballots and all other documents or materials used at polling stations within the electoral zone and deliver them to the Chief Electoral Officer, in accordance with the instructions of the Chief Electoral Officer.

Security of ballot boxes, etc.

20. (1) Within two working days after election day, any candidate may request the Chief Electoral Officer to recount all the ballots cast for trustees in the candidate's electoral zone.

Candidate may request recount within two working days

(2) The recount shall commence not later than two working days after the request is received under subsection (1).

Recount within two working days

(3) The Chief Electoral Officer shall notify the candidates concerned of the time and place at which the ballots will be recounted and the final addition made.

Time and place of recount and final addition

(4) At the time and place specified by the Chief Electoral Officer under subsection (3) and in the presence of the persons authorized to be present, the Chief Electoral Officer shall open the sealed envelopes containing the ballots and count all the votes or ballots for trustee returned by the returning officer.

Count by Chief Electoral Officer

(5) The Chief Electoral Officer shall recount the ballots according to the rules set out in section 17 for a deputy returning officer and shall verify or correct the statement of each poll by recording the ballot count and the number of votes cast for each candidate.

Final addition

(6) If a recount of ballots by the Chief Electoral Officer under subsection (5) fails to establish which candidate has received the highest number of votes, or if a candidate continues to dispute the results, the rejected ballots shall be reviewed by a judge of the Provincial Court.

Judicial review

(7) If, at the judicial review referred to in subsection (6), the judge determines that any of the rejected ballots should have been counted, the Chief Electoral Officer shall recount those ballots, in accordance with this section, and include the result of this recount in the results.

Recount after judicial review

(8) If, after the judicial review referred to in subsection (6) or a recount under subsection (7), the votes cast for two or more candidates are still equal in number, the winning candidate shall be determined as follows:

Tie vote

- (a) out of an opaque container that contains ten balls numbered 1 to 10, the Chief Electoral Officer shall draw one ball for each tied candidate and, for the purpose of the draw, the numbers drawn shall be attributed to the names of the candidates in alphabetical order;
- (b) the candidate for whom the Chief Electoral Officer draws a 5, or closest to 5, shall be declared the winner;
- (c) in the event that the numbers drawn for the candidates are equally close to 5, the draw shall be repeated until a winner is declared.

(9) At a recount of ballots and final addition by the Chief Electoral Officer, the returning officer and his or her election clerk shall be present, and each candidate shall be entitled to be represented by not more than two agents appointed by the candidate to attend, and may personally be present if the candidate so desires.

Recount, who may be present

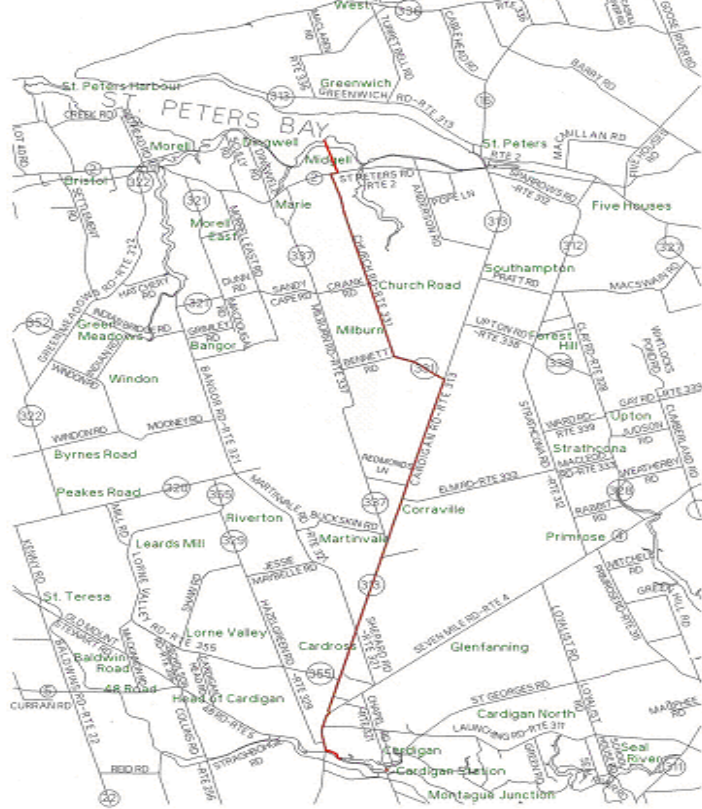
(10) At a judicial review, the Chief Electoral Officer and the returning officer and his or her election clerk shall be present, and each candidate shall be entitled to be represented by not more than two agents appointed by the candidate to attend, and may personally be present if the candidate so desires.

Review, who may be present

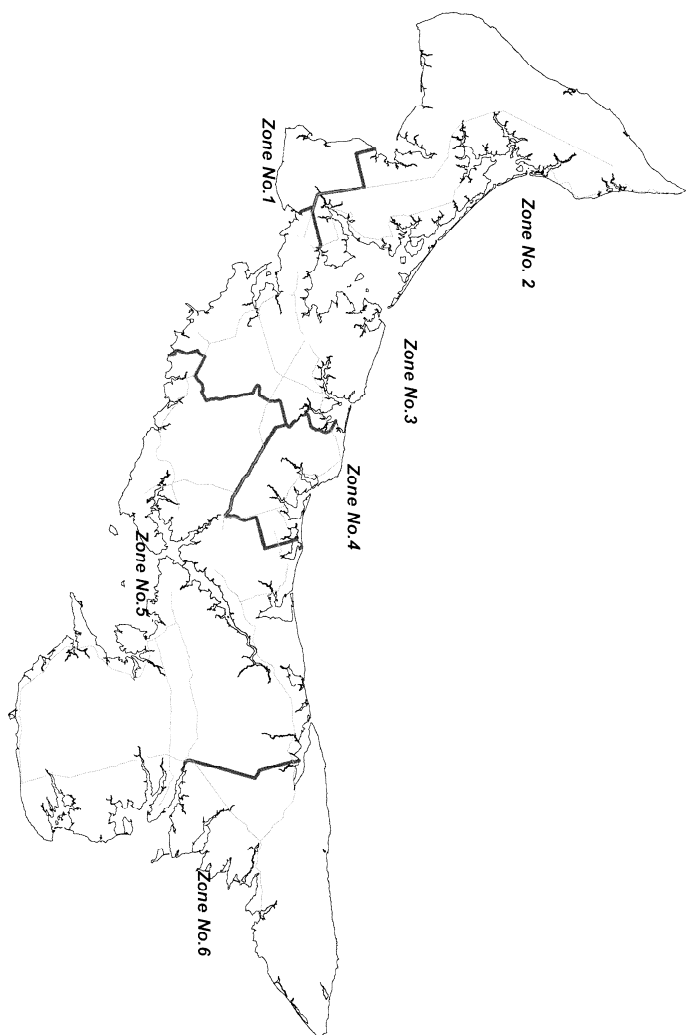
- (11) Except with the sanction of the Chief Electoral Officer in the case of a recount and final addition or the judge in the case of a judicial review, no person other than those referred to in subsection (9) or (10), as applicable, shall be present at the recount and final addition or the judicial review. *Idem*
- (12) Upon the determination of the candidate with the highest number of votes or of the winning candidate, in accordance with this section, the Chief Electoral Officer shall immediately certify the results. Results certified
- 21.** (1) The Chief Electoral Officer shall retain the contents of the ballot boxes and all documents pertaining to the election for two months following election day. Ballots retained for two months
- (2) The Chief Electoral Officer may destroy election documents after the expiry of the time required in subsection (1) except where there is any court proceeding related to the election of a trustee pending or in progress. Chief Electoral Officer may destroy election documents
- (3) Except for the purposes of section 20 or pursuant to a court order, no person other than the Chief Electoral Officer may have access to election documents. Limits on access to election documents
- 22.** No administrative irregularity in the mode of electing a trustee invalidates the election. Irregularities
- 23.** (1) The Chief Electoral Officer shall declare to be elected the following persons: Candidates declared elected
- (a) in an electoral zone to be represented by one trustee, the candidate having the highest number of votes;
- (b) in an electoral zone to be represented by two trustees, the two candidates with the highest numbers of votes.
- (2) The Chief Electoral Officer shall report to the Minister within five working days after election day Report to Minister
- (a) the names of the candidates who have been declared elected; and
- (b) the electoral zone that each of the elected candidates represents.
- 24.** Within 28 days after election day, the Minister shall publish the names of the trustees in the Royal Gazette. Publish names of trustees
- 25.** The Schedule to these regulations is hereby adopted and forms part of these regulations. Schedule adopted
- 26.** The *School Act* School Board Regulations (EC268/14) are revoked. Revocation
- 27.** These regulations come into force on August 20, 2016. Commencement

SCHEDULE

French Language School Board Boundary between Zone 5 and Zone 6



French Language School Board Electoral Zones



French Language School Board

FRENCH LANGUAGE SCHOOL BOARD

Zone No. 1

Commencing at Egmont Bay at Higgins Wharf being at the northwardly extension of the Higgins Road (Route No.129), thence southwardly along said wharf and road to the Line Road (Route No.128), thence eastwardly along said road to the Western Road (Route No.2), thence southwardly along the Western Road to the Miscouche Road (Route No.11), thence southwardly and eastwardly following the said road to Muddy Creek, thence southwardly along the said creek to Sunbury Cove, thence southwardly, westwardly and northwardly to the Higgins Wharf to the point of commencement.

Zone No. 2

Commencing at Egmont Bay at Higgins Wharf being at the northwardly extension of the Higgins Road (Route No.129), thence southwardly along said road to the Line Road (Route No.128), thence eastwardly along said road to the Western Road (Route No. 2), thence southwardly along the Western Road (Route No.2) to Township Lot 17, thence following the Township Lot 17 eastwardly to the Grand River Road (Route No.12), thence southwardly along said road to Farrells Brook, thence eastwardly along Farrells Brook, Bentick Cove, Malpeque Bay, Malpeque Harbour to the Gulf of St. Lawrence, thence northwardly along said gulf to North Point, thence southwardly along the Northumberland Strait and Egmont Bay to Higgins Wharf to the point of commencement.

Zone No. 3

Commencing at the intersection of the Western Road (Route No.2) and the Miscouche Road (Route No.11), thence southwardly along the Western Road to Township Lot 17, thence following the Township Lot 17 eastwardly to the Grand River Road (Route No.12), thence southwardly along said road to Farrells Brook, thence eastwardly along Farrells Brook, Bentick Cove, Malpeque Bay, Malpeque Harbour to the Gulf of St. Lawrence, thence eastwardly along the said Gulf of St. Lawrence to the New London Bay, (The boundary line between the Eastern School District and the Western School Board and respective school zones shall be determined by referring to the following reference line: where the reference line follows the Bradford Road and River Road (Route No. 117), between the Trans Canada Highway and the Augustine Cove Road (Route No. 10), the boundary line shall follow the centre line of the Bradford Road and the River Road (Route No. 117); and for all other points on the reference line the boundary shall be 3/10 kilometre to the west of the reference line), thence southwardly along the said bay to the south shore of New London Bay at a northwardly extension of Simpsons Mill Road, thence southwardly along the extension and the Simpsons Mill Road to the New London Road (Route No. 224), thence southeastwardly to the road leading to North Road (Route No.240), thence southwestwardly along said road and a westwardly extension of the said road to the Trout River Road (Route No.239), thence southwardly along the Trout River Road (Route No.239) to the Millvale Road (Route No.231), thence in a southwardly, westwardly and southwardly direction along the Millvale Road (Route No.231) crossing the Malpeque Road (Route No.2) and continuing along Route No.231 to the North Breadalbane Road, thence westwardly along the said road to the South Breadalbane Road, thence eastwardly along the said road to the Inkerman Road (Route No.231), thence southwardly along the said road to the Balaklava Road (Route No.232), thence westwardly along the said road to the County Line Road, thence northwardly along the said road to the Branch Road (Route No.232), thence westwardly along the Branch Road (Route No.232) to the intersection with Trans Canada Highway (Route No.1), thence westwardly along the said highway to the Bradford Road, thence southwardly along the said road to the River Road (Route No.117), thence southwardly along the said road to the Augustine Cove Road (Route No.10), thence eastwardly along the said road to the Enman Road, thence southwardly along said road and continuing in a straight line following the eastern boundary of John M. Leard (taken from 1880 atlas) and Edward McFayden (taken from 1926 atlas) to the north shore

of Northumberland Strait, thence westwardly along the Northumberland Strait to Sudbury Cove at Muddy Creek, thence northwardly along Muddy Creek to the Miscouche Road (Route No.11) and thence westwardly and northwardly along the Miscouche Road to the Western Road (Route No.2) to the point of commencement.

Zone No. 4

Commencing on the south shore of New London Bay and a northward extension of Simpsons Mill Road, thence southwardly along the extension and the Simpsons Mill Road to the New London Road (Route No.224), thence southeastwardly to the road leading to North Road (Route No.240), thence southwestwardly along the said road and an extension of the said road to the Trout River Road (Route No.239), thence southwardly along said road to Millvale Road (Route No.231), thence westwardly along said road to Township Lot 21, thence southwardly along the said Township Lot 21 to the Hazel Grove Road (Route No.228), thence eastwardly along the said Hazelgrove Road, Malpeque Road (Route No.2) to where North River crosses the Malpeque Road (Route No.2), thence northwardly following the North River, crossing the Crabbe Road (Route No.256), Rustico Road (Route No.7) to Township Lot 33, thence northwardly along the Township Lot 33 to a westwardly extension of the Kentyre Road (Route No. 250), thence eastwardly along the said extension, the said Kentyre Road (Route No.250) and the Kilkenny Road (Route No.250) and a line of extension eastwardly to the Township Lot 34, thence northwardly along the said Township Lot 34 to Covehead Bay, thence northeastwardly along the said bay to the Brackley Beach Sand Hills and the Gulf of St. Lawrence, thence westwardly along the said Gulf of St. Lawrence to the New London Bay to the point of commencement.

Zone No. 5

Commencing at Covehead Bay at the Brackley Beach Sand Hills, thence southwardly along the said bay to the Township Lot 33, thence southwardly along the said Township Lot 33 to an extension eastward of the Kilkenny Road (Route No. 250), thence westwardly along the said extension, the said Kilkenny Road (Route No. 250), the Kentyre Road (Route No. 250) and a line of extension west from the Kentyre Road to the Township Lot 24, thence southwardly along the said line to the North River, thence southwardly following the said North River, crossing the Rustico Road (Route No. 7), the Crabbe Road (Route No. 256) to the Malpeque Road (Route No. 2), thence westwardly following the Malpeque Road (Route No. 2) and the Hazel Grove Road (Route No. 228) to Township Lot 21, thence northwardly following the said Township Lot 21 to the Millvale Road (Route No. 231), (The boundary line between the Eastern School District and the Western School Board and respective school zones shall be determined by referring to the following reference line: where the reference line follows the Bradford Road and River Road (Route No. 117), between the Trans Canada Highway and the Augustine Cove Road (Route No. 10), the boundary line shall follow the centre line of the Bradford Road and the River Road (Route No. 117); and for all other points to on the reference line the boundary shall be 3/10 kilometre to the west of the reference line), thence westwardly and southwardly along the Millvale Road (Route No. 231) crossing the Malpeque Road (Route No. 2) and continuing along Route No. 231 to the North Breadalbane Road, thence westwardly along the said road to the South Breadalbane Road, thence eastwardly along the said road to the Inkerman Road (Route No. 231), thence southwardly along the said road to the Balaklava Road (Route No. 232), thence westwardly along the said road to the County Line Road, thence northwardly along the said road to the Branch Road (Route No. 232), thence westwardly along the Branch Road (Route No. 232) to the intersection with Trans Canada Highway (Route No. 1), thence westwardly along the said highway to the Bradford Road, thence southwardly along the said road to the River Road (Route No. 117), thence southwardly along the said road to the Augustine Cove Road (Route No. 10), thence eastwardly along the said road to the Enman Road, thence southwardly along said road and continuing in a straight

line following the eastern boundary of John M Leard (taken from 1880 atlas) and Edward McFayden (taken from 1926 atlas) to the north shore of Northumberland Strait, thence following the Northumberland Strait, Hillsborough Bay and Cardigan Bay to the Cardigan River; thence westwardly along the Cardigan River to Alleys Mill Road (Route No. 4); thence northwardly along the Alleys Mill Road to the Cardigan Road (Route No. 313), thence northwardly along the Cardigan Road to the Church Road (Route No. 331); thence northwestwardly along the Church Road to the Bennett Road, thence continuing northwardly along the Church Road (Route No. 331) to the St. Peters Road (Route No. 2); thence eastwardly along the St. Peters Road to the Cemetery Road; thence northwardly along the Cemetery Road to St. Peters Bay; thence northwestwardly along the St. Peters Bay to the Gulf of St. Lawrence; thence westwardly along the Gulf of St. Lawrence to Covehead Bay at the Brackley Beach Sand Hills, thence southwardly along the said bay to the Township Lot 33 to the point of commencement.

Zone No. 6

Commencing at the intersection of the Gulf of St. Lawrence and St. Peters Bay; thence southeastwardly along the St. Peters Bay to the Cemetery Road; thence southwardly along the Cemetery Road to the St. Peters Road (Route No. 2); thence westwardly along the St. Peters Road to the Church Road (Route No. 331); thence southwardly along the Church Road to the Bennett Road, thence continuing southeastwardly along the Church Road (Route No. 331) to the Cardigan Road (Route No. 313); thence southwardly along the Cardigan Road to the Alleys Mill Road (Route No. 4); thence continuing southwardly along the Alleys Mill Road to the Cardigan River; thence eastwardly along the Cardigan River to Cardigan Bay and continuing eastwardly to the Northumberland Strait; thence northeastwardly along the Northumberland Strait to the Gulf of St. Lawrence at East Point; thence westwardly along the Gulf of St. Lawrence to St. Peters Bay to the point of commencement.

EXPLANATORY NOTES

SECTION 1 provides definitions for the purposes of the regulations.

SECTION 2 establishes the six electoral zones for the French school system as those described in the Schedule to the regulations.

SECTION 3 establishes the number of trustees to be elected from each zone.

SECTION 4 establishes eligibility criteria for voting in a school board election, and authorizes the French Language School Board to develop policies, in consultation with the Chief Electoral Officer, for the manner in which a person may establish that the person meets the criteria specified in clause 4(1)(d).

SECTION 5 establishes eligibility criteria for nomination of candidates in a school board election.

SECTION 6 provides that the Chief Electoral Officer of the province shall administer trustee elections under the regulations.

SECTION 7 authorizes the Chief Electoral Officer to issue a call for nominations within the specified time period, and sets the hours during which the polling stations are required to be open.

SECTION 8 establishes the powers and duties of the Chief Electoral Officer.

SECTION 9 requires the Chief Electoral Officer to appoint a returning officer for each electoral zone, and establishes the duties of the returning officers. The section also requires each returning officer to appoint a deputy returning officer for each polling station in an electoral zone, and establishes the duties of the deputy returning officers.

SECTION 10 sets out the process for nomination of candidates by any ten or more eligible voters and specifies the timing of the nomination period.

SECTION 11 requires the returning officer to deliver the nomination papers to the Chief Electoral Officer, who shall determine the candidates' eligibility and publish their information as specified.

SECTION 12 provides for election by acclamation in the event that only the required number of eligible candidates have been nominated for a particular electoral zone.

SECTION 13 sets out the duties required of an eligible voter and the deputy returning officer at a polling station.

SECTION 14 authorizes the provision of assistance to a voter who is unable to vote as set out in section 13 by a friend or the deputy returning officer, and specifies the form that assistance may take.

SECTION 15 provides that the Chief Electoral Officer may make an order providing for voting at an advance poll or by means of a mail-in ballot.

SECTION 16 authorizes a candidate to appoint an agent to represent the candidate, and requires the agent to carry a certificate of appointment that has been signed by the candidate.

SECTION 17 sets out the procedure for counting the ballots at the close of the poll.

SECTION 18 authorizes the deputy returning officer to hear and decide any objections to ballots that arise during the counting process, and provides that the decision of the deputy returning officer is final.

SECTION 19 specifies the duties of the deputy returning officers and the returning officers after the ballots have been counted.

SECTION 20 provides that a candidate may, within two working days following election day, request that the Chief Electoral Officer recount the ballots cast in that candidate's electoral zone, and sets out the procedure for the recount.

SECTION 21 provides for the retention and destruction of ballots and other election documents following the election.

SECTION 22 provides that an administrative irregularity in the mode of electing a trustee does not invalidate the election.

SECTION 23 specifies the candidates who shall be declared elected and requires the Chief Electoral Officer to report the results of the election to the Minister within five working days after the election.

SECTION 24 requires the Minister to publish the names of the trustees in the Royal Gazette within 28 days after election day.

SECTION 25 formally adopts the Schedule to the regulations, which sets out the boundaries of each of the electoral zones.

SECTION 26 revokes the *School Act* School Board Regulations (EC268/14).

SECTION 27 provides for the commencement of the regulations.

EC2016-526**EDUCATION ACT
HOME EDUCATION REGULATIONS**

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

1. In these regulations, “Act” means the *Education Act* R.S.P.E.I. 1988, Cap. E-.02. Act, defined
2. The notice referred to in clause 95(1)(a) of the Act shall include the following information: Information provided by parent
 - (a) the name and date of birth of the child;
 - (b) the name, address and telephone number of the parent; and
 - (c) the last school attended by the child, if applicable.
3. A parent who provides a home education program to his or her child has a responsibility to ensure, to the best of his or her ability, that the child has an opportunity to acquire knowledge and develop skills that will prepare the child for life as an adult. Responsibility of parent
4. A student attending a home education program may attend one or more courses offered by an education authority in a school year, if, not later than April 15 of the prior school year, a parent of the student provides written notice to the education authority of the parent’s intention to enrol the student in the course. School course
5. The Minister may provide authorized textbooks to a parent for use in a home education program and may require the payment of a refundable deposit for the textbooks in an amount determined by the Minister. Authorized textbooks
6. The *School Act* Private Schools and Home Education Regulations (EC534/95) are revoked. Revocation
7. These regulations come into force on August 20, 2016. Commencement

EXPLANATORY NOTES

SECTION 1 defines “Act” for the purposes of the regulations.

SECTION 2 requires that the notice required under the Act include specified information.

SECTION 3 sets out the responsibilities of a parent who provides a home education program to his or her child.

SECTION 4 requires the parent of a student attending a home education program to give written notice, not later than April 15, of the parent’s intention to enrol the student in a course offered by an education authority during the next school year.

SECTION 5 permits the Minister to provide a parent with authorized textbooks for use in a home education program and to charge a refundable deposit for the textbooks.

SECTION 6 revokes the Private Schools and Home Education Regulations (EC534/95).

SECTION 7 provides for the commencement of these regulations.

EC2016-527
EDUCATION ACT
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.** In these regulations, Definitions
- (a) “Act” means the *Education Act* R.S.P.E.I. 1988, Cap. E-.02; Act
- (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. school day
- 2.** For the purposes of subclause 1(1)(r)(ii) of the Act, school psychologists employed by an education authority are designated as instructional personnel. School psychologists
- 3.**(1) An education authority may hire a person as instructional personnel under a probationary contract. Probationary 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. Term of contract
- (3) A probationary contract shall specify the date of commencement of employment. Commencement of employment
- 4.**(1) An education authority may hire a person as instructional personnel under a fixed-term contract. Fixed-term contract
- (2) A fixed-term contract shall specify Terms of contract
- (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.
- 5.**(1) An education authority may hire a person as instructional personnel under a permanent contract of employment if the person Permanent contract of employment
- (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.
- (2) A person has satisfactorily completed the probationary requirements referred to in clause (1)(a) if the person has completed Probationary requirements
- (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).
- (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. Permanent contract from year to year
- 6.** 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. Credit for service with other education authority or school board

7. (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). Employment as 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 Qualifications of principal

- (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.

(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. Exception

(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. Idem

(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. Confirmation of qualifications

8. (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). Employment as 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 Qualifications of vice-principal

- (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.

(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. Exception

(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. Idem

(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. Confirmation of qualifications

9. These regulations come into force on August 20, 2016. Commencement

EXPLANATORY NOTES

SECTION 1 provides definitions for the purposes of the regulations.

SECTION 2 designates school psychologists as instructional personnel for the purposes of subclause 1(1)(r)(ii) of the Act.

SECTION 3 authorizes an education authority to hire a person as instructional personnel under a probationary contract and specifies the requirements the contract must meet.

SECTION 4 authorizes an education authority to hire a person as instructional personnel under a fixed-term contract and specifies the requirements the contract must meet.

SECTION 5 authorizes an education authority to hire a person as instructional personnel under a permanent contract and specifies the nature of the contract and the probationary requirements the applicant must satisfy.

SECTION 6 provides that an education authority shall credit time served by instructional personnel with another education authority or with a school board under the former Act for the purpose of assessing whether an applicant has met the probationary requirements of subsection 5(2) and in calculating the person's eligibility for benefits.

SECTION 7 prohibits an education authority from employing a person as a principal after August 31, 2019, unless the person is a teacher who meets the qualifications set out in the section, subject to some exceptions. It also provides for the Registrar to issue a statement of qualification to a teacher confirming the teacher's qualifications for employment as a principal.

SECTION 8 prohibits an education authority from employing a person as a vice-principal after August 31, 2019, unless the person is a teacher who meets the qualifications set out in the section, subject to some exceptions. It also provides for the Registrar to issue a statement of qualification to a teacher confirming the teacher's qualifications for employment as a vice-principal.

SECTION 9 provides for the commencement of the regulations.

EC2016-528

EDUCATION ACT LABOUR RELATIONS REGULATIONS

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

- | | |
|---|--|
| 1. In these regulations, | Definitions |
| (a) "Act" means the <i>Education Act</i> R.S.P.E.I. 1988, Cap. E-.02; | Act |
| (b) "collective agreement" means a collective agreement between the Education Negotiating Agency and the authorized representative of instructional personnel; | collective agreement |
| (c) "Minister responsible for labour" means the Minister responsible for the administration of the <i>Labour Act</i> R.S.P.E.I. 1988, Cap. L-1; | Minister responsible for labour |
| (d) "parties" means the Education Negotiating Agency and the authorized representative of instructional personnel; | parties |
| (e) "working days" means days on which the offices of the members of the Education Negotiating Agency and of the authorized representative of instructional personnel are open during their regular office hours. | working days |
| 2. (1) The Education Negotiating Agency shall be composed of the following members appointed by the Minister: | Education Negotiating Agency composed of |
| (a) up to four representatives of the Minister; | |
| (b) one representative nominated by the Treasury Board; | |
| (c) up to two representatives from the Public Schools Branch; | |
| (d) one representative from the French Language School Board. | |
| (2) The representatives referred to in clauses (1)(c) and (d) shall be nominated by the education authority from employees of the education authority who are supervisory personnel. | Nominated by the education authority |

- 3.** The Minister shall designate one of the representatives appointed under subsection 2(1) as the chief negotiator and spokesperson of the Agency. Chief negotiator and spokesperson
- 4.** A quorum of the Agency shall consist of Quorum
- (a) two representatives referred to in clause 2(1)(a);
 - (b) the representative referred to in clause 2(1)(b);
 - (c) one representative referred to in clause 2(1)(c); and
 - (d) the representative referred to in clause 2(1)(d).
- 5.** (1) The Prince Edward Island Teachers' Federation is designated as the authorized representative of instructional personnel. Prince Edward Island Teachers' Federation
- (2) If the designation of the Prince Edward Island Teachers' Federation is revoked under subsection 7(1), the organization designated by the Minister responsible for labour under subsection 8(3) is designated as the authorized representative of instructional personnel. Other designation
- 6.** (1) Where an organization other than that designated under section 5 as the authorized representative claims to represent a majority of instructional personnel, it may, in accordance with subsections (2) and (3), apply to the Minister responsible for labour for a declaration that the organization designated under section 5 as the authorized representative no longer represents a majority of the instructional personnel. Other organization may apply for declaration
- (2) Where the collective agreement in force is for a term of one year, an application under subsection (1) may be made only after the beginning of the fourth month of its term and before the end of the fifth month of its term. Time of application
- (3) Where the collective agreement in force is for a term of more than one year, an application under subsection (1) may be made only during the eighth and ninth months prior to the expiry of the collective agreement. *Idem*
- 7.** (1) Where, in the opinion of the Minister responsible for labour, the organization designated as the authorized representative of instructional personnel no longer represents the majority of instructional personnel, the Minister shall revoke the designation of that organization as the authorized representative. Revocation of designation
- (2) Despite subsection (1), the organization whose designation is revoked under subsection (1) continues to be the authorized representative until a designation is made under subsection 8(3). Representation continues
- 8.** (1) Where the Minister responsible for labour has revoked the designation of an organization as the authorized representative in accordance with subsection 7(1), any organization may submit to the Minister responsible for labour an application to be designated as the authorized representative of instructional personnel. Application for designation
- (2) Despite subsection 7(1), an organization whose designation is revoked under that subsection may submit an application under subsection (1) to be reinstated as the authorized representative. *Idem*
- (3) The Minister responsible for labour shall review the applications submitted under subsection (1) and shall designate as the authorized representative of instructional personnel the organization that in the opinion of the Minister responsible for labour represents the majority of instructional personnel. Designation
- 9.** In preparation for the negotiation of a collective agreement, the parties shall Preparation for negotiation
- (a) not later than six months, excluding July and August, before the expiry date of the current collective agreement, meet to determine the data and information that each should make available to the other;
 - (b) not later than four months, excluding July and August, before the expiry date of the current collective agreement, meet to present and analyze the data and information that each has collected in accordance with clause (a); and
 - (c) prior to the commencement of formal negotiations, attempt to resolve as many issues as possible through mutual consultation.

- 10.** (1) Within a period of three months and 14 days, excluding the months of July and August, preceding the expiry date of the collective agreement in force at the time, either party may, by notice in writing, require the other party to commence formal negotiations with a view to the renewal or revision of a collective agreement or the adoption of a new collective agreement. Notice to commence negotiations
- (2) The parties may negotiate at any time by mutual consent. Consent to negotiate
- 11.** When one party has given notice under section 10, representatives of the parties shall meet, within 14 working days of the notice, and commence negotiations with a view to the renewal or revision of a collective agreement or the adoption of a new collective agreement. Meet within 14 working days
- 12.** (1) Where the negotiations have commenced, neither party shall discontinue or withdraw from the negotiations on the ground that no notice, or improper or insufficient notice, has been given under section 10. No discontinuance on grounds of improper notice
- (2) Where a party has given notice under section 10, a copy of the notice shall be delivered to the Minister. Copy of notice to Minister
- 13.** (1) A collective agreement remains in force until a new collective agreement is adopted to replace it. Collective agreement remains in force
- (2) Every collective agreement shall have a minimum term of at least one year. Minimum term
- (3) All provisions of a new collective agreement with respect to salary, special allowances and supplementary financial benefits shall be retroactive to the day following the expiry date of the preceding collective agreement. Retroactive provisions
- 14.** Where a notice to commence negotiations has been given under section 10 and Appointment of conciliation officer
- (a) negotiations have not commenced within the time prescribed by section 11;
- (b) negotiations have commenced and continued for 45 days, and either party requests the Minister responsible for labour, in writing, to appoint a conciliation officer to confer with the parties to assist them in concluding a collective agreement or a renewal or revision of it, and the request shall be accompanied by a statement of the difficulties that have been encountered before the commencement or in the course of negotiations; or
- (c) in any other case in which, in the opinion of the Minister responsible for labour, it is advisable to do so,
- the Minister responsible for labour shall, within 15 working days of receiving the request, appoint a conciliation officer to confer with the parties engaged or proposed to be engaged in negotiations.
- 15.** (1) The conciliation officer appointed under section 14 shall inquire into the matters in dispute and endeavour to bring about agreement between the parties. Duties of conciliation officer
- (2) The conciliation officer shall submit a report to the Minister responsible for labour Report of conciliation officer
- (a) within 10 working days of a successful conclusion to the conciliation; or
- (b) within 20 working days of the appointment of the conciliation officer, where the parties fail to reach an agreement within that period.
- (3) Where the parties have failed to reach an agreement as set out in clause (2)(b), conciliation shall cease, and the report of the conciliation officer shall set out the matters agreed between the parties and those matters on which the parties cannot reach agreement. *Idem*
- 16.** Where the parties have not adopted a new or revised collective agreement on the expiry date of the existing collective agreement and Arbitration board
- (a) either party requests, in writing, the appointment of an arbitration board; or
- (b) in the opinion of the Minister responsible for labour, an arbitration board should be established,

the Minister responsible for labour shall give notice to the parties to name their appointees under section 17.

- 17.** (1) An arbitration board shall be composed of
 (a) a nominee of the Agency;
 (b) a nominee of the authorized representative; and
 (c) a third member as chairperson to be appointed in accordance with this section. Members of arbitration board
- (2) The parties shall name their nominees to the arbitration board within 30 days of notice by the Minister responsible for labour that an arbitration board will be appointed. Party appointees
- (3) Where a party fails to name a nominee as required by subsection (2), the Minister responsible for labour shall appoint a person to the arbitration board to serve on behalf of that party. Failure to name appointee
- (4) The Minister responsible for labour shall appoint the arbitration board members representing the parties, within 30 days of the notice given under section 16. Appointment of arbitration board
- (5) The appointees representing the parties shall, within 30 days of their appointment, appoint a third person to act as chairperson. Chairperson
- (6) In the event that the appointees fail to agree on a chairperson as provided in subsection (5), either appointee may request that the Minister responsible for labour appoint a chairperson. Failure to agree on chairperson
- 18.** (1) An arbitration board has the power
 (a) to hear and determine the matters in dispute between the parties to the collective agreement;
 (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. Powers of arbitration board
- (2) Except where otherwise provided in these regulations, an arbitration board
 (a) may determine its own procedure respecting the hearing; and
 (b) shall give the parties the opportunity to be heard and to be represented by counsel. Determines own procedure
- (3) The arbitration board shall deal with matters not resolved through consultation, negotiation or conciliation, and it may, after consultation with the parties, consider previously resolved matters in order to arrive at its decision. Matters to be dealt with by arbitration board
- 19.** (1) Within 10 working days of the chairperson's appointment, the chairperson of the arbitration board shall give notice to the parties of the date, time and place of the hearing, which shall be set for not more than 30 days after the chairperson's appointment. Notice of hearing
- (2) The chairperson and one other member of the arbitration board constitute a quorum. Quorum
- (3) Despite subsection (2), if any member is absent from a meeting of the board, the other two members shall not proceed unless satisfied that the third member had been notified in ample time to permit the member's attendance. Condition
- (4) Despite subsection (2), in the case of the absence of any member due to illness or other reasonable cause, the other two members shall not proceed until the absent member has returned or has been replaced. Absent member
- (5) Where a member of an arbitration board is to be replaced in circumstances set out in subsection (4), section 17 applies with any necessary changes. Replacement member
- (6) The decision of the majority of the members of an arbitration 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. Procedure

- 20.** (1) The arbitration board shall make its award based upon a consideration of Considerations in making award
- (a) the relationship of income and other benefits for instructional personnel to those available to teachers, substitute teachers and other persons working in the public school systems in other Atlantic provinces, giving appropriate consideration to the varying provincial economic capacities, including available assistance from outside sources;
 - (b) the trends and inter-relationship of pay and other factors within various professional and non-professional groups in both the private and public sectors;
 - (c) the requirement to obtain and retain competent instructional personnel within the English school system and French school system;
 - (d) the relationship between pay, professional qualifications and responsibility; and
 - (e) any other factors that are relevant, including conditions of work and fringe benefits.
- (2) After making full inquiry, the arbitration board shall make an award, setting out its decision, within 20 working days of the hearing, as to the manner in which all matters in dispute between the parties shall be settled. Award within 20 working days
- 21.** (1) The award of the arbitration board shall be signed by the members concurring therein, and copies of the award shall be provided to the parties and to the Minister. Members sign award
- (2) A decision of, or award of, a majority of the members shall be the decision of the arbitration board. Majority award
- (3) A member of the arbitration board may submit, to the parties and to the Minister, a minority report. Minority report
- (4) An award of an arbitration board is binding upon all persons bound by the collective agreement and all those persons shall do or abstain from doing anything as required of them by the award. Award binding
- 22.** Within 30 working days of the date of an arbitration award, the parties shall prepare and sign a collective agreement embodying all matters settled in the award together with all matters previously agreed on in negotiation or conciliation between the parties. Collective agreement after award
- 23.** Each party to the arbitration shall pay Fees and expenses
- (a) the fees and expenses of its appointee;
 - (b) one-half of the fees and expenses of the chairperson; and
 - (c) one-half of the secretarial and other expenses necessary for the carrying out of the duties of the arbitration board.
- 24.** (1) Despite any other provision of these regulations, the parties may, by mutual consent, waive, alter or vary the time required for doing anything or the coming into effect of anything under these regulations. Variation of time
- (2) No proceedings in these regulations shall be deemed invalid merely by reason of a defect in form or a technical irregularity. Technicalities
- 25.** The *Arbitration Act* R.S.P.E.I. 1988, Cap. A-16, does not apply to an arbitration under these regulations. Arbitration Act does not apply
- 26.** The *School Act* Education Negotiating Agency Regulations (EC45/95) are revoked. Revocation
- 27.** These regulations come into force on August 20, 2016. Commencement

EXPLANATORY NOTES

SECTION 1 provides definitions for the purposes of the regulations.

SECTION 2 provides for the composition of the Education Negotiating Agency.

SECTION 3 provides for the designation of a chief negotiator and spokesperson of the Agency.

SECTION 4 establishes a quorum of the Agency.

SECTION 5 provides that the Prince Edward Island Teachers' Federation is the authorized representative of instructional personnel.

SECTION 6 authorizes an application by an organization to the Minister responsible for labour for a declaration that the authorized representative no longer represents a majority of instructional personnel.

SECTION 7 requires the Minister responsible for labour to revoke the designation of the authorized representative where, in the opinion of the Minister, it no longer represents the majority of instructional personnel, and provides for the transition.

SECTION 8 provides that, when the designation of the authorized representative has been revoked under subsection 7, that organization and other organizations may apply to the Minister responsible for labour to be designated, and authorizes the Minister responsible for labour to designate as the authorized representative an organization that in the opinion of the Minister represents the majority of the instructional personnel.

SECTION 9 establishes the preparations required of the parties prior to the negotiation of a collective agreement.

SECTION 10 establishes the time period within which either party may give notice to the other to commence formal negotiations.

SECTION 11 establishes the time by which the parties must meet after notice has been given under section 10.

SECTION 12 prohibits the parties from discontinuing negotiations on the ground of lack of notice, or improper or insufficient notice having been given, after negotiations have commenced.

SECTION 13 provides that a collective agreement remains in force until replaced by a new collective agreement. It also provides that the minimum term of a collective agreement is one year, and that specified provisions of a new collective agreement shall be made retroactive to the day following the expiry date of the previous collective agreement.

SECTION 14 provides for the appointment of a conciliation officer by the Minister responsible for labour where negotiations have not commenced as required by section 11, or have commenced but after 45 days have not resulted in a new collective agreement, or where the Minister considers it advisable.

SECTION 15 sets out the duties of the conciliation officer, including reporting to the Minister responsible for labour on the progress or lack of progress of the conciliation.

SECTION 16 provides for the Minister to give notice to the parties to name their appointees for an arbitration board where the parties have failed to adopt a new collective agreement on the expiry of the existing one, or where the Minister responsible for labour considers an arbitration board should be appointed.

SECTION 17 provides for the composition of the arbitration board. The nominees are appointed by the Minister responsible for labour, who can appoint a person to represent one of the parties if the party fails to nominate a representative.

SECTION 18 sets out the powers of the arbitration board and authorizes it to determine its own procedure.

SECTION 19 requires the chairperson of the arbitration board to give notice of the hearing within 10 working days of the chairperson's appointment, and provides for quorum.

SECTION 20 establishes the criteria to be considered by the arbitration board in making its award, and requires the award to be made within 20 working days of the hearing.

SECTION 21 requires the award of the arbitration board to be signed by the members who concur with it, and provides that the decision or award of the majority is the decision of the arbitration board, and binding on all persons who are bound by the collective agreement. A member may submit a minority report.

SECTION 22 requires the parties to prepare and sign a collective agreement embodying the matters settled in the award and previously agreed on in negotiation or conciliation within 30 working days of the date of the arbitration award.

SECTION 23 establishes the payments to be made by the parties to the arbitration in respect of the appointees, the chairperson and the expenses of the arbitration process.

SECTION 24 permits the parties, by mutual consent, to waive or alter the time required for doing anything under the regulations. The section also provides that proceedings under the regulations shall not be deemed invalid merely by reason of a defect in form or a technical irregularity.

SECTION 25 establishes that the *Arbitration Act* does not apply to an arbitration under the regulations.

SECTION 26 revokes the *School Act* Education Negotiating Agency Regulations.

SECTION 27 provides for the commencement of the regulations.

EC2016-529

EDUCATION ACT SABBATICAL LEAVE REGULATIONS

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

- | | |
|--|-------------------------------------|
| 1. In these regulations, | Definitions |
| (a) “Act” means the <i>Education Act</i> R.S.P.E.I. 1988, Cap. E-.02; | Act |
| (b) “committee” means the sabbatical leave committee established by an education authority pursuant to section 3; | Committee |
| (c) “distance education program” means an education program in which a student principally participates through means other than the physical attendance of the student at the institution providing the program; | distance education program |
| (d) “sabbatical leave” means a leave of absence from employment as instructional personnel in a teaching position with an education authority for up to one full school year for the purpose of pursuing an education program approved by the education authority. | sabbatical leave |
| 2. The granting of sabbatical leave in accordance with section 35 of the Act and these regulations is subject to the amount of funds, if any, appropriated by the Minister for an education authority for that purpose. | Sabbatical leave subject to funding |
| 3. (1) On the commencement of a school year, an education authority shall establish a sabbatical leave committee consisting of the following members: | Sabbatical leave committee |
| (a) one representative nominated by the Minister; | |
| (b) two representatives nominated by the Prince Edward Island Teachers’ Federation; | |
| (c) one representative nominated by the education authority, who shall be the chairperson. | |

- (2) The purpose of the committee is to review and make recommendations to the education authority respecting applications made to the education authority for sabbatical leave. Purpose of committee
- (3) The quorum of the committee is four members. Quorum
- 4.** (1) A teacher is eligible to apply for sabbatical leave if the teacher Eligibility to apply for sabbatical leave
- (a) is employed as instructional personnel in a permanent full-time teaching position in a school operated by an education authority and has been employed by that education authority for at least the previous three school years; and
 - (b) has, or will have prior to the commencement of the sabbatical leave, seven years of service as instructional personnel in a permanent full-time teaching position in one or more schools operated by an education authority.
- (2) An education authority shall take into consideration the following in determining whether to grant sabbatical leave to a teacher who is eligible to apply in accordance with subsection (1) and has applied in accordance with subsection 5(1): Factors
- (a) whether the teacher has previously taken sabbatical leave;
 - (b) whether the education program the teacher proposes to take addresses priority areas of need in the education system as identified by the Minister and the education authority;
 - (c) the contribution of the teacher during non-instructional time to the teaching profession, the school he or she teaches at and the students of the school;
 - (d) the teacher's commitment to lifelong learning as demonstrated through past education and training;
 - (e) the teacher's seniority level within the education system operated by the education authority;
 - (f) the qualification level of the teacher's license held by the teacher;
 - (g) letters of recommendation respecting the teacher.
- 5.** (1) An applicant for sabbatical leave shall submit an application to his or her employing education authority, in the form required by the education authority, not later than November 15 of the school year immediately prior to the school year for which the leave is requested. Application
- (2) The education authority shall refer any applications for sabbatical leave it receives under subsection (1) to the committee not later than November 30 of the school year in which the applications were received. Referral to committee
- (3) The committee shall, taking into consideration section 4, review and make recommendations to the education authority respecting the applications for sabbatical leave not later than December 15 of the school year in which the applications were received. Committee recommendations
- (4) The education authority shall, not later than January 19 of the school year in which the applications were received, Notification to successful applicants
- (a) determine which applicants, if any, are to be granted sabbatical leave during the next school year; and
 - (b) notify each applicant, in writing, whether the applicant has been granted sabbatical leave during the next school year.
- (5) A notice referred to in clause (4)(b) shall be served personally or by registered mail on the applicant and, if mailed, is deemed to have been received by the applicant five business days after mailing. Service
- 6.** A teacher who is granted sabbatical leave by an education authority may enter into employment with an education authority as a substitute teacher during the sabbatical leave. Permitted to substitute
- 7.** (1) Except in the circumstances described in subsection (2), while a teacher is on sabbatical leave Salary during sabbatical leave
- (a) the education authority that granted the sabbatical leave shall pay to the teacher an amount equal to 60% of the salary the teacher would receive if the teacher were teaching full time; and
 - (b) where the teacher is employed as a substitute teacher by an education authority, that education authority shall not pay to the teacher as salary for substitute teaching an amount greater than 40%

of the salary the teacher would receive if the teacher were teaching full time.

(2) Where a teacher on sabbatical leave is taking an education program, other than a distance education program, outside the province and the education program is not readily available to the teacher in the province, while the teacher is on sabbatical leave

Exception, program not available in province

(a) the education authority that granted the sabbatical leave shall pay to the teacher an amount equal to 70% of the salary the teacher would receive if the teacher were teaching full time; and

(b) where the teacher is employed as a substitute teacher by an education authority, that education authority shall not pay to the teacher as salary for substitute teaching an amount greater than 30% of the salary the teacher would receive if the teacher were teaching full time.

(3) For greater certainty, a teacher on sabbatical leave shall not receive, in aggregate, more than 100% of the salary the teacher would receive if the teacher were teaching full time.

Not more than 100%

8. (1) An education authority shall deduct contributions to the Prince Edward Island Teachers' Superannuation Fund from salary payable under section 7 to a teacher on sabbatical leave, in accordance with the *Teachers' Superannuation Act* R.S.P.E.I. 1988, Cap. T-1.

Pension contributions

(2) An education authority shall deduct dues payable to the Prince Edward Island Teachers' Federation from salary payable under section 7 to a teacher on sabbatical leave, in accordance with the collective agreement applicable to instructional personnel that is made pursuant to Part VII of the Act.

PEITF dues

9. The *School Act* Sabbatical Leave Regulations (EC482/98) are revoked.

Revocation

10. These regulations come into force on August 20, 2016.

Commencement

EXPLANATORY NOTES

SECTION 1 defines terms used in these regulations.

SECTION 2 provides that the granting of sabbatical leave is subject to the amount of funds, if any, appropriated by the Minister for an education authority for that purpose.

SECTION 3 requires an education authority to establish a sabbatical leave committee on the commencement of a school year. It sets out the composition, purpose and quorum of the committee.

SECTION 4 sets out the eligibility requirements for a teacher to apply for sabbatical leave and the factors an education authority shall take into account in determining whether to grant sabbatical leave to an eligible applicant.

SECTION 5 sets out the application, review and determination process for sabbatical leave.

SECTION 6 permits a teacher who is granted sabbatical leave to enter into employment with an education authority as a substitute teacher during the sabbatical leave.

SECTION 7 sets out the salary payable to a teacher while on sabbatical leave and limits the salary an education authority may pay a teacher for substitute teaching while the teacher is on sabbatical leave.

SECTION 8 requires an education authority to deduct from the salary payable to a teacher on sabbatical leave, pension contributions in accordance with the *Teachers' Superannuation Act* and union dues in accordance with the collective agreement applicable to instructional personnel.

SECTION 9 revokes the Sabbatical Leave Regulations (EC482/98) made under the former Act.

SECTION 10 provides for the commencement of these regulations.

EC2016-530

**EDUCATION ACT
SCHOOL CALENDAR REGULATIONS**

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

- 1.** (1) In these regulations, Definitions
- (a) “Act” means the *Education Act* R.S.P.E.I. 1988, Cap. E-.02; Act
- (b) “school calendar” means the school calendar established by the Minister pursuant to clause 3(1)(h) of the Act; school calendar
- (c) “school day” means a day when teachers are required to be on duty, in the classroom or at workshops, conventions or any other activities authorized by the education authority; school day
- (d) “semester” means one half of a school year. semester
- (2) For the purposes of the Act and these regulations, “school year” means the period of school days commencing September 1 in any year and ending June 30 in the following year. “school year”, defined
- 2.** The Minister shall ensure that there is a total of 195 to 197 school days in each school year, calculated in accordance with the rules set out in these regulations. Total school days
- 3.** The Minister may allocate professional development days or administrative days in a school year for any of the following purposes: Professional development and administration
- (a) orientation for new teachers, which may be scheduled before the first instructional day of a school year;
- (b) professional development or administrative purposes, which may be scheduled at the end of the first semester of a school year;
- (c) activities related to the end of a school year;
- (d) activities or purposes set out in the collective agreement;
- (e) activities or purposes authorized by the Minister.
- 4.** (1) An education authority may give approval to a principal of a school to cancel classes for one day in each semester for parent-teacher interviews. Interviews
- (2) Despite subsection (1), an education authority may give approval to the principal of a school to carry out professional development programs for one-half of any day designated for parent-teacher interviews. Idem
- 5.** An education authority may cancel classes at any school it operates Cancellation of classes
- (a) on a day-to-day basis, by reason of weather conditions or mechanical breakdown of equipment on school premises;
- (b) if the operation of the school would create a significant risk to the health, safety or well-being of students or other persons on school premises;
- (c) for up to one day for kindergarten classes to accommodate orientation or screening programs for children who will be entering kindergarten in the following school year;
- (d) for up to one day at a grade level in the receiving school for registration or orientation programs for students who will be accommodated in another school building in the following school year; and
- (e) on the day of a funeral for a staff member or a student.
- 6.** (1) An instructional day for students shall consist of Instructional day
- (a) a minimum of four hours and forty-five minutes of instructional time for students in kindergarten to Grade 6; and
- (b) a minimum of five hours of instructional time for students in Grades 7 to 12.
- (2) The time required for lunch, recess and changing classes shall not be counted as instructional time. Instructional time

(3) For the purposes of this section, the principal shall schedule instructional time only for purposes of instruction, testing and other planned student activities related to the provincial goals of education that take place during an instructional day. *Idem*

7. The school calendar shall include, but is not limited to, the following: *School calendar*

- (a) the first school day of a school year;
- (b) the first instructional day of a school year;
- (c) the last instructional day before Christmas Day of a school year;
- (d) the first instructional day after New Year's Day of a school year;
- (e) a mid-term break, consisting of five consecutive weekdays in March or April of a school year;
- (f) the last instructional day in a school year;
- (g) the first date on which Grade 12 graduation exercises may be held in a school year;
- (h) the last school day of a school year.

8. The following days shall not be instructional days or school days: *Holidays*

- (a) Boxing Day;
- (b) Christmas Day;
- (c) Easter Monday;
- (d) Good Friday;
- (e) Islander Day;
- (f) Labour Day;
- (g) New Year's Day;
- (h) Remembrance Day;
- (i) Thanksgiving Day;
- (j) Victoria Day.

9. (1) The principal of a school shall provide the education authority with a monthly accounting of the number of *Accounting*

- (a) school days used as professional development days or administrative days for teachers; and
- (b) instructional days used for students.

(2) An education authority shall forward to the Minister an annual summary of the number of school days and instructional days used by each school during the preceding school year on or before July 30. *Summary*

10. The *School Act* School Calendar Regulations (EC539/95) are revoked. *Revocation*

11. These regulations come into force on August 20, 2016. *Commencement*

EXPLANATORY NOTES

SECTION 1 provides definitions for the purposes of the regulations.

SECTION 2 provides that the Minister establishes the minimum and maximum school days to be included in each school year.

SECTION 3 provides that professional development days or administrative days may be allocated in a school year for the specified purposes.

SECTION 4 authorizes an education authority to give approval to a principal to cancel classes for one day in each semester for parent-teacher interviews, and also to carry out professional development programs for one-half of that day.

SECTION 5 authorizes an education authority to cancel classes at any school it operates in the specified circumstances.

SECTION 6 specifies the minimum instructional time that must be included in an instructional day for students at specified grade levels.

SECTION 7 specifies the minimum contents of the school calendar.

SECTION 8 prohibits the inclusion of specified holidays in the school calendar as instructional days or school days.

SECTION 9 requires the principal of a school to account to the education authority each month regarding the school days used for teachers and the instructional days used for students, and the education authority to report annually to the Minister on or before July 30 as to the number of school days and instructional days used by each school in the previous school year.

SECTION 10 revokes the *School Act* School Calendar Regulations (EC539/95).

SECTION 11 provides for the commencement of the regulations.

EC2016-531

EDUCATION ACT STUDENT REGULATIONS

Pursuant to subsection 26(2) and section 107 of the *Education Act* R.S.P.E.I. 1988, Cap. E-.02, Council made the following regulations:

INTERPRETATION

- | | |
|---|------------------------------|
| 1. In these regulations, | Definitions |
| (a) “Act” means the <i>Education Act</i> R.S.P.E.I. 1988, Cap. E-.02; | Act |
| (b) “elementary education program” means an education program at a grade level ranging from kindergarten to grade nine; | elementary education program |
| (c) “hearing committee” means the hearing committee appointed by an education authority under section 53 of the Act; | hearing committee |
| (d) “secondary education program” means an education program at a grade level ranging from grade ten to twelve. | secondary education program |

ENROLMENT

- | | |
|--|---|
| 2. (1) To enrol his or her school-aged child in the English school system, a parent shall apply to the Public Schools Branch in the form approved by the Public Schools Branch. | Enrolment in English school system |
| (2) An application under subsection (1) shall include | Information required |
| (a) the following information respecting the child: | |
| (i) legal name, | |
| (ii) gender, | |
| (iii) date and place of birth, | |
| (iv) residence address and telephone number, | |
| (v) most recent grade and school attended, if applicable; | |
| (b) the name, residence address and phone number of each parent of the child; | |
| (c) confirmation of the Canadian citizenship or temporary or permanent resident status of the child or a parent of the child; | |
| (d) the name of any sibling of the child who is attending a school in the English school system; | |
| (e) academic achievement records of the child, if applicable; and | |
| (f) academic support information, including psychometric and health information. | |
| 3. (1) To enrol his or her school-aged child in the French school system, an eligible parent shall | Enrolment in French school system – eligible parent |
| (a) apply to the French Language School Board in the form approved by the French Language School Board; | |
| (b) file a declaration, in the form approved by the French Language School Board, establishing that he or she is an eligible parent; and | |
| (c) provide any further information requested by the French Language School Board in support of the declaration. | |
| (2) An application under subsection (1) shall include | Required information |
| (a) the following information respecting the child: | |
| (i) legal name, | |
| (ii) gender, | |
| (iii) date and place of birth, | |

- (iv) residence address and telephone number,
 - (v) French language proficiency,
 - (vi) most recent grade and school attended, if applicable;
 - (b) the name, residence address and phone number of each parent of the child;
 - (c) confirmation of the Canadian citizenship or temporary or permanent resident status of the child or a parent of the child;
 - (d) the name of any sibling of the child who is attending a school in the French school system;
 - (e) academic achievement records of the child, if applicable; and
 - (f) academic support information, including psychometric and health information.
- (3) The French Language School Board may refuse to enrol a school-aged child in the French school system if the parent of the child is not an eligible parent. Refusal to enrol
- 4.** (1) To seek approval to enrol his or her school-aged child in the French school system, a parent who is not an eligible parent shall apply to the French Language School Board in the form approved by the French Language School Board. Enrolment in French school system – not eligible parent
- (2) An application under subsection (1) shall include Required information
- (a) the following information respecting the child:
 - (i) legal name,
 - (ii) gender,
 - (iii) date and place of birth,
 - (iv) residence address and telephone number,
 - (v) French language proficiency,
 - (vi) most recent grade and school attended, if applicable;
 - (b) the name, residence address and phone number of each parent of the child;
 - (c) confirmation of the Canadian citizenship or temporary or permanent resident status of the child or a parent of the child;
 - (d) the name of any sibling of the child who is attending a school in the French school system;
 - (e) academic achievement records of the child, if applicable; and
 - (f) academic support information, including psychometric and health information.
- (3) The French Language School Board may approve an application submitted in accordance with subsections (1) and (2) if the French Language School Board is satisfied that Conditions for approval
- (a) French first language instruction is appropriate for the child, considering the child's needs and academic proficiency; and
 - (b) enrolment of the child will not interfere with the ability of an eligible parent to enrol his or her child in the French school system.

TUITION FEES

- 5.** For the purpose of clause 1(1)(h) of the Act, the following organizations or governments may be a party to an Education Service Agreement: Education Service Agreement
- (a) Lennox Island First Nation;
 - (b) Abegweit First Nation;
 - (c) Ganzhou #3 Middle School (Ganzhou, China);
 - (d) a provincial or territorial government;
 - (e) an organization that provides agency services to persons outside of Canada who are seeking education opportunities in Prince Edward Island.
- 6.** (1) For the purpose of subsection 44(2) of the Act, the tuition fee for enrolment in a course offered by an education authority during July or August is \$240 per course. Tuition fee, July and August
- (2) For the purpose of subsections 44(3) and 45(1) of the Act, the following tuition fees are prescribed: Tuition fees, full or part school year
- (a) \$10,000 for a full school year;
 - (b) \$5,000 per semester, if the person is enrolled in a secondary education program for only part of a school year;

(c) \$1,000 per month, if the person is enrolled in an elementary education program for only part of a school year.

DISCIPLINE

Hearing Committee

- 7.** (1) For the purpose of clause 53(1)(b) of the Act, subject to subsection (2), a person is qualified to be appointed to the hearing committee of the Public Schools Branch if the person is
- (a) a Canadian citizen;
 - (b) a resident of Prince Edward Island; and
 - (c) at least eighteen years of age.
- (2) A person is not qualified to be appointed to the hearing committee of the Public Schools Branch if the person is an employee of the Public Schools Branch.
- (3) For greater certainty, a member of the board of directors of the Public Schools Branch may be appointed as a member of the hearing committee of the Public Schools Branch.
- 8.** (1) Subject to the Act, these regulations and the rules of natural justice, a hearing committee may determine its own procedures in holding a hearing under section 54 or 55 of the Act.
- (2) A hearing committee is not bound by the strict rules of evidence or the provisions of the *Evidence Act* R.S.P.E.I. 1988, Cap. E-11.
- (3) A hearing committee may retain any legal or other assistance that it considers necessary for the purpose of conducting a hearing.
- (4) In the discharge of the functions of the hearing committee, the hearing committee and each member of the hearing committee have all of the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act* R.S.P.E.I. 1988, Cap. P-31.

Conditions or Suspension

- 9.** (1) For the purpose of subsections 51(3) and (5) of the Act, the principal or Director, as the case may be, shall report the imposition of conditions on, or the suspension of, a student to a parent of the student promptly by telephone, if possible, and by notice in writing within five business days of the imposition of the conditions or suspension.
- (2) The notice referred to in subsection (1) shall include
- (a) a description of the circumstances leading to, and the reasons for and duration of, the placement of conditions on or suspension of the student;
 - (b) a copy of any supporting documentation; and
 - (c) information respecting the right of the parent under section 55 of the Act to appeal the decision of the principal or the Director, as the case may be.
- 10.** For the purpose of subsection 51(5) of the Act, the Director shall promptly report the imposition of conditions on, or the suspension for more than five consecutive instructional days of, a student to the chairperson of the respective education authority in writing.
- 11.** (1) Pursuant to section 55 of the Act, a parent of a student may, by giving the education authority notice in writing within five business days of receiving notice under section 9 or the decision referred to in clause (c), as the case may be, appeal
- (a) the imposition of conditions on the student;
 - (b) the suspension of the student; or
 - (c) a decision of an employee of the education authority that significantly affects the education, health or safety of the student.
- (2) The notice of appeal referred to in subsection (1) shall include
- (a) a copy of the notice referred to in subsection 9(1) or any information known to the parent of the student respecting the circumstances leading to the decision referred to in clause (1)(c) and any supporting documentation, as the case may be; and

(b) a description of the basis of the appeal.

(3) Where an education authority has received a notice of appeal under subsection (1), the education authority shall promptly

Duties of education authority

(a) refer the matter, by sending a copy of the notice of appeal, to the hearing committee to hold a hearing in accordance with subsection 55(3) of the Act; and

(b) give notice in writing to the parent of the student that the matter has been referred to the hearing committee.

(4) The hearing committee of the education authority shall, not less than ten days before the hearing, give notice in writing of the hearing date, time and location to the parent of the student and the Director.

Date, time and location of hearing

12. A hearing held to consider the appeal of a parent of a student under section 55 of the Act shall be held in camera.

In camera

Expulsion

13. (1) Where an education authority is considering the expulsion of a student pursuant to section 54 of the Act, it shall

Considering expulsion

(a) refer the matter, by notice in writing, to the hearing committee to hold a hearing in accordance with subsection 54(2) of the Act; and

(b) send a copy of the notice referred to in clause (a) to a parent of the student.

(2) The notice referred to in subsection (1) shall include a description of the student conduct that led to the referral of the matter to the hearing committee and a copy of any supporting documentation.

Contents of notice

(3) The hearing committee shall, not less than ten days before the hearing, give notice in writing of the hearing date, time and location to a parent of the student and the chairperson of the education authority.

Notice of hearing date, time, location

14. A hearing held to consider the expulsion of a student under section 54 of the Act shall be held in camera.

Hearing in camera

15. (1) After holding a hearing under section 54 of the Act, a hearing committee shall decide whether there is sufficient reason to justify the expulsion of the student.

Authority of hearing committee

(2) A hearing committee shall, within ten days of completing a hearing, give notice in writing of its decision under subsection (1), including reasons for the decision, to a parent of the student and the chairperson of the education authority.

Written decision

16. (1) Where a hearing committee has decided that there is sufficient reason to justify the expulsion of a student, the education authority may expel the student.

Authority of education authority

(2) An education authority shall promptly give notice of an expulsion in writing to a parent of the student, including the reasons for and the duration of the expulsion.

Notice of expulsion

Joinder of Proceedings

17. Where the proceedings relate to the same or a related matter, the hearing committee may hold a single hearing to consider both

Same or related matters

(a) the expulsion of a student under section 54 of the Act; and

(b) an appeal under section 55 of the Act.

GENERAL

18. A notice given or sent to a person under these regulations shall be served personally or by registered mail on the person and, if mailed, is deemed to have been received by the person five business days after mailing.

Service

19. The *School Act* Students and Parents Regulations (EC69/96) and the *School Act* French First Language Instruction Regulations (EC480/98) are revoked.

Revocation

20. These regulations come into force on August 20, 2016.

Commencement

EXPLANATORY NOTES

SECTION 1 defines terms used in these regulations.

SECTION 2 sets out the process for a parent to enrol his or her school-aged child in the English school system.

SECTION 3 sets out the process for an eligible parent to enrol his or her school-aged child in the French school system.

SECTION 4 sets out the process for a parent who is not an eligible parent to seek approval to enrol his or her school-aged child in the French school system.

SECTION 5 sets out the organizations or governments that may be party to an Education Service Agreement.

SECTION 6 sets out the amount of tuition fees required by the Act for summer courses and for persons attending a school operated by an education authority pursuant to an Education Service Agreement.

SECTION 7 sets out the qualifications for appointment to the hearing committee of the Public Schools Branch.

SECTION 8 addresses hearing procedures, rules of evidence and the powers of a hearing committee.

SECTION 9 requires the reporting of the imposition of conditions on, or the suspension of, a student to a parent of the student by telephone and notice in writing and sets out the required contents of the notice.

SECTION 10 requires the prompt reporting of the imposition of conditions on, or the suspension for more than five instructional days of, a student to the chairperson of the respective education authority, in writing.

SECTION 11 provides for a parent of a student to appeal the imposition of conditions on, or the suspension of, the student or a decision of an employee that significantly affects the education, health or safety of the student by giving notice in writing to the education authority within five days of receiving notice under section 9 or of the decision of the employee, as the case may be. It sets out the required contents of the notice of appeal. It requires the education authority to refer a matter under appeal, by sending a copy of the notice of appeal, to the hearing committee and notify the parent in writing that it has done so. It requires the hearing committee to give notice of a hearing not less than ten days beforehand.

SECTION 12 provides that an appeal hearing shall be heard in camera.

SECTION 13 requires an education authority that is considering expelling a student to refer the matter, by notice in writing, to a hearing committee and send a copy of the notice to a parent of the student. It sets out the required contents of the notice and requires the hearing committee to give notice of the hearing not less than ten days beforehand.

SECTION 14 provides that a hearing to consider the expulsion of a student shall be heard in camera.

SECTION 15 requires a hearing committee to determine whether there is sufficient reason to justify the expulsion of a student and give notice of its decision within ten days of completing the hearing.

SECTION 16 provides for an education authority to expel a student where a hearing committee has found there is sufficient reason to do so. It requires the education authority to promptly give notice in writing of the expulsion to a parent of the student.

SECTION 17 provides for the joinder of proceedings under section 54 and 55 of the Act that relate to the same or a related matter, at the discretion of the hearing committee.

SECTION 18 provides for service of a notice to a person under these regulations.

SECTION 19 revokes the Students and Parents Regulations (EC69/96) and the French First Language Instruction Regulations (EC480/98) made under the former Act.

SECTION 20 provides for the commencement of these regulations.

EC2016-532

EDUCATION ACT STUDENT RECORDS REGULATIONS

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

- 1.** In these regulations,
- | | |
|--|----------------|
| | Definitions |
| (a) "Act" means the <i>Education Act</i> R.S.P.E.I. 1988, Cap. E-.02; | Act |
| (b) "examine" means to personally inspect or review a student record or to receive an oral description or review of a student record; | examine |
| (c) "student record" means a collection of information directly related to a student that is created and maintained by an education authority. | student record |
- 2.** (1) A student record that an education authority is required to create and maintain under section 58 of the Act for each student enrolled in a school operated by the education authority shall be in a paper, electronic or other form that the education authority considers appropriate.
- | | |
|--|----------------|
| | Student record |
|--|----------------|
- (2) A student record shall include, but is not limited to, the following information:
- | | |
|--|-----------------------------|
| | Contents of student records |
|--|-----------------------------|
- (a) the student's
- (i) legal name,
 - (ii) gender,
 - (iii) provincial student number,
 - (iv) date and place of birth,
 - (v) residence address and telephone number,
 - (vi) current grade and school attended;
- (b) the name, residence address and telephone number of each of the student's parents;
- (c) the student's academic achievement and attendance records;
- (d) the student's academic support information, including
- (i) psychometric information,
 - (ii) health status and medical conditions, and
 - (iii) other health-related information as requested by the parent of the student;
- (e) other information respecting the student, as required by the student record policy of the education authority.
- (3) For the purposes of section 60 of the Act, a person who is authorized by that section to examine a student record may examine the record by being provided with
- | | |
|--|--------------------------------|
| | Examination of student records |
|--|--------------------------------|
- (a) access to the record or part of the record; or
 - (b) a copy of the record or part of the record,
- in accordance with the policy and procedure respecting the examination of student records established by the education authority.
- (4) The education authority shall make a notation in each student record that lists all persons or agencies, other than instructional personnel employed by the education authority, who have examined the student record.
- | | |
|--|--|
| | Notation of person who accessed record |
|--|--|

3. (1) An education authority shall establish policies and procedures respecting Education authority policy
- (a) the security of the information contained in student records during active use and during their retention and storage;
 - (b) the regular review of active student records for the removal of material that is no longer considered conducive to the improvement of the instruction of the student;
 - (c) the transfer of student records between schools;
 - (d) the safe and secure storage and retention of student records;
 - (e) the examination of student records;
 - (f) the retention and disposal of student records in accordance with these regulations and the *Archives and Records Act* R.S.P.E.I. 1988, Cap. A-19.1.
- (2) An education authority shall not dispose of a student record unless No disposal of student records
- (a) in the case of information specified in clauses 2(2)(a), (b) and (c), the record has been retained for a period of 55 years after the date student attained the age of 18 years;
 - (b) in the case of information specified in clauses 2(2)(d) and (e), the record has been retained for a period of 21 years after the date the student attained the age of 18 years; and
 - (c) the disposition of the record is authorized under the *Archives and Records Act*.
- (3) An education authority shall, when disposing of a student record, ensure that the disposition is carried out in a manner that ensures the confidentiality of the information contained in the student record. Destruction of student records
4. The *School Act* Student Records Regulations (EC484/98) are revoked. Revocation
5. These regulations come into force on August 20, 2016. Commencement

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 provides for the creation and maintenance of student records, including the form of the student record and the information that must be included, and provides for access to a student record in accordance with section 60 of the Act and the required policies of the education authority.

SECTION 3 requires an education authority to establish policies and procedures for the secure handling, retention, examination and eventual disposal of student records.

SECTION 4 revokes the *School Act* Student Records Regulations.

SECTION 5 provides for the commencement of the regulations.

EC2016-533

EDUCATION ACT STUDENT TRANSPORTATION REGULATIONS

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

1. (1) In these regulations, Definitions
- (a) “Act” means the *Education Act* R.S.P.E.I. 1988, Cap. E-.02; Act
 - (b) “contracted vehicle” means a vehicle that is to be used by a contractor for the conveyance of students; contracted vehicle
 - (c) “contractor” means a person, not an employee of the education authority, who has entered into a contract with an education authority for the conveyance of students by means of a vehicle owned or leased by the contractor; contractor

- (d) “driver’s license” means a license to drive issued pursuant to the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5; driver’s license
- (e) “Highway Safety Division” means the Highway Safety Division of the Department of Transportation, Infrastructure and Energy; Highway Safety Division
- (f) “school bus” means a school bus or other vehicle that is under the management of an education authority and used primarily for the conveyance of students; school bus
- (g) “school bus driver” means a person who drives a school bus assigned by an education authority for the conveyance of students to or from school and for other authorized use, and includes a substitute school bus driver, except as limited by section 5; school bus driver
- (h) “school bus driver training course” means a course of instruction for trainees of a driver education school that school bus driver training course
- (i) is approved by the Director of the Highway Safety Division under the *Highway Traffic Act* Driving Schools Regulations, and
- (ii) provides trainees with instruction on the operation of a school bus.
- (2) A reference in these regulations to the Director, education authority or principal is a reference to the relevant Director, education authority or principal, as applicable. Interpretation
- 2.** Except as otherwise provided, these regulations apply when school buses and contracted vehicles are used to transport students. Application
- 3.** (1) Every person, when initially employed by an education authority as a school bus driver, shall Requirements to drive a school bus
- (a) have held a Class 5 driver’s license for at least five years;
- (b) hold a current Class 2 driver’s license;
- (c) have met the standards required for school bus drivers by the Highway Safety Division before commencing employment; and
- (d) have passed a medical examination documented by a medical practitioner in accordance with standards set out in these regulations, on the form approved by the Minister.
- (2) School bus drivers and substitute school bus drivers shall annually meet the standards of a vision test required by the Highway Safety Division. Annual vision test
- 4.** (1) Where a school bus driver has been hired as a permanent employee by an education authority, the driver shall be required by the education authority to successfully complete a school bus driver training course at the next available opportunity and not later than one year from the date of hiring. Requirements, permanent employee
- (2) A school bus driver who has not successfully completed the school bus driver training course in accordance with subsection (1) shall be dismissed from employment by the education authority, on 10 days’ written notice, with reasons for the dismissal, served personally or by registered mail. Dismissal if not completed
- (3) A notice sent by registered mail shall be deemed to have been received by the school bus driver five days after mailing. Notice by registered mail
- (4) An education authority may require a school bus driver to enrol in Education authority may require courses
- (a) defensive and other safe driving courses;
- (b) one or more first aid courses;
- (c) one or more student management courses; and
- (d) other courses related to the operation of a school bus.
- 5.** (1) Subsections 4(1) and (2) do not apply to persons employed as substitute school bus drivers. Not applicable to substitute drivers
- (2) An education authority shall require a substitute school bus driver to take a school bus driver training course as a condition of being employed as a substitute school bus driver. Training course, substitute school bus drivers
- 6.** (1) Education authorities shall emphasize safety in driving under the variety of circumstances that arise in the course of driving a school bus. Emphasis on safety in driving school bus

(2) An education authority may require a school bus driver to complete a school bus driver examination conducted by the Highway Safety Division, at any time.

Driver examination requirements

(3) A school bus driver, upon reaching age 60, shall successfully complete any examination required under clause 70(6)(c) of the *Highway Traffic Act* for bus drivers aged 60 or over, as often as required by the Registrar of Motor Vehicles.

Requirements from age 60

7. (1) School bus drivers shall have regular medical examinations which shall emphasize the importance of the school bus driver being fit and able to engage in all types of activities that may be required in the performance of the driver's duties, including consideration of the driver's ability to function under high stress conditions.

Regular medical examinations

(2) Unless otherwise provided in this section, a school bus driver shall have any regular medical examination that is required under the *Highway Traffic Act* to maintain his or her driver's license.

Required medical examinations

(3) A school bus driver with a medical condition shall submit to any medical examinations and tests that are required by the Registrar of Motor Vehicles under the *Highway Traffic Act*, as often as required by the Registrar of Motor Vehicles.

Other exams and tests

(4) An education authority may, at any time, require a school bus driver to be examined by a medical practitioner chosen by the education authority.

Examination required by education authority

(5) Any medical practitioner who examines a school bus driver in accordance with these regulations may recommend further physical or psychological tests or examinations of the driver, and the education authority may require the driver to attend at such further testing or examinations.

Further tests

(6) An education authority may require a school bus driver to undergo psychiatric, psychological or addictions tests or treatment as recommended by the medical practitioner who examines the driver in accordance with these regulations.

Idem

(7) Where necessary, an education authority may place a school bus driver on leave with or without pay, at the discretion of the education authority, pending the outcome of required tests or examinations, or until the school bus driver is no longer employed by the education authority.

Leave required

8. An education authority shall not continue to employ a school bus driver if, after reviewing a report respecting any examination or test of the school bus driver required under these regulations, the education authority is satisfied that the school bus driver cannot safely fulfil all of his or her responsibilities under these regulations.

Driver dismissed

9. (1) Every school bus driver is responsible for the safety of students while in a vehicle under the driver's control and may assign seats to students.

Driver responsible for safety of students

(2) A school bus driver shall report to the principal misconduct of a student on the school bus or entering or leaving the school bus.

Driver to report misconduct of a student

10. (1) A school bus driver shall

- (a) operate the school bus in accordance with the *Highway Traffic Act*, the *Criminal Code* (Canada) and any other applicable law;
- (b) notify the Director immediately of the suspension of his or her driver's license or the loss of his or her driver's Class 2 driver's license, or if charged with any offence involving driving or assault;
- (c) notify the Director of any medical condition involving vision, heart or other problems that could affect safe operation of the school bus;
- (d) operate the school bus efficiently and economically;
- (e) exercise good judgment in handling the school bus and in controlling students;
- (f) conduct a pre-trip inspection and make any necessary minor repairs before the school bus is to be used;
- (g) conform to all rules and regulations and perform such duties as may be established by education authority policy;

Driver responsibilities

- (h) comply with these regulations;
 - (i) practise defensive driving at all times;
 - (j) be courteous to other drivers;
 - (k) ensure that all doors are secure when the school bus is in motion;
 - (l) at least annually, in co-operation with the principal or designate, instruct students respecting the correct procedures of emergency evacuation from a school bus;
 - (m) annually, and whenever else required by the education authority, conduct a simulated emergency evacuation of students from a school bus;
 - (n) operate and park the school bus according to the route plan and schedule determined by the education authority;
 - (o) where any part of a school bus appears defective, request authorization from the school bus depot
 - (i) to move the school bus for the purpose of obtaining repairs, or
 - (ii) to correct or cause the defect to be corrected;
 - (p) inspect the wheel bolts of the school bus before any use;
 - (q) ensure that every school bus used for transporting students is maintained in a clean condition;
 - (r) conform to a plan for receiving and discharging students on school buses;
 - (s) submit, as required by the education authority, regular reports on the operation of the school bus;
 - (t) operate the school bus at a reasonable speed within posted speed limits;
 - (u) have in mind the safety of the students when stopping for the purpose of receiving or discharging students;
 - (v) use the front door of the school bus, if it is a bus, for the receiving and discharging of students and allow the use of the emergency exit only in the case of an emergency or during practice exercises authorized by the principal or the education authority;
 - (w) not, for any reason or by any means, unnecessarily delay the passing of other vehicles on the highway;
 - (x) where practicable to do so, report to the education authority the license numbers or descriptions of vehicles that pass the school bus when its red lights are flashing; and
 - (y) perform such other duties as may be required by the education authority.
- (2) A school bus driver shall, on out-of-province trips, Out-of-province trips
- (a) ensure that affixed to the outside of the school bus is a notice stating “This vehicle stops at all railway crossings”;
 - (b) at every railway crossing
 - (i) bring the school bus to a stop,
 - (ii) open the door of the school bus and the window on the driver's side or, if it is a van, the window on the driver's side of the van,
 - (iii) check for clearance of right-of-way,
 - (iv) cross with the school bus so geared that there is no need to change gears while proceeding across the railway tracks, and
 - (v) not shift gears while crossing the railway tracks;
 - (c) conform with the *Highway Traffic Act* Commercial Vehicle Drivers (Hours of Work) Regulations; and
 - (d) comply with legislation of the jurisdiction in which the school bus is being operated.
- 11.** A school bus driver shall not Driver prohibitions
- (a) transport any animal other than a guide dog, any weapon or any explosive or other hazardous material in a school bus;
 - (b) while driving a school bus, tow any other vehicle;
 - (c) operate a school bus on school premises at an excessive speed;
 - (d) operate a school bus in reverse on school premises when students are present, except when authorized by the principal or designate;
 - (e) coast a school bus;
 - (f) allow excessive traffic build-up behind a school bus;
 - (g) fill the fuel tank while students are inside a school bus or while the motor is running;
 - (h) leave a school bus unattended while students are passengers, except during an emergency or an accident;

- (i) park a school bus on a highway when not being used for conveying students;
- (j) smoke while on a school bus;
- (k) consume alcohol within 12 hours before driving a school bus;
- (l) on days on which the driver is scheduled for regular conveyance, consume any alcoholic beverage or take any drug or medication that could impair the driver's driving ability, before completing the school bus route for the day;
- (m) on days on which the driver is required to convey students on a school-sponsored activity, consume any alcoholic beverage or take any drugs or medication that could impair the driver's driving ability, before completing the transportation of the students;
- (n) drive a school bus without a valid Class 2 driver's license; or
- (o) use a school bus for unauthorized travel except in an emergency.
- 12.** (1) Where a school bus is involved in an accident, the school bus driver shall, Duties of driver, upon an accident
- (a) if reasonable, endeavour to obtain or administer assistance, if required, to or for any injured person;
- (b) stop the vehicle at the scene of the accident;
- (c) report the accident immediately
- (i) in compliance with the *Highway Traffic Act*, and
- (ii) to the principal and the Director;
- (d) take note of
- (i) the name and address of every person involved in the accident,
- (ii) the names and addresses of witnesses, if any,
- (iii) the license plate numbers of other vehicles involved,
- (iv) the names and driver's license numbers of the operators of such other vehicles, and
- (v) the name and address of every person injured in the accident;
- (e) not sign any document or make any admission of liability in any manner to any third party with respect to the accident; and
- (f) wait with the students for transfer to another bus and then proceed, if the school bus is in a safe mechanical condition and such movement is not contrary to law, to deliver it to the school bus depot.
- (2) Where a school bus is mechanically disabled or otherwise not operable, the driver shall wait with the students for transfer to another bus. School bus inoperable
- (3) Where a contracted vehicle is mechanically disabled or otherwise not operable, the driver shall wait with the students for transfer to another vehicle authorized by the education authority. Contracted vehicle inoperable
- 13.** (1) An education authority may suspend or dismiss a school bus driver if the driver violates clause 10(1)(a), (b) or (c) or clause 11(k), (l) or (m). Grounds for suspension or dismissal
- (2) Where a school bus driver's driving privileges are suspended under the *Highway Traffic Act* or the *Criminal Code* (Canada), the education authority Idem
- (a) shall suspend the driver without pay for a period of time concurrent with the period of the driver's license suspension; or
- (b) may dismiss the driver.
- (3) Infractions of sections 10 or 11 may be grounds for disciplinary action against the school bus driver by the education authority. Grounds for disciplinary action
- 14.** (1) An education authority may provide an arrangement for transporting students in a vehicle or vehicles supplied by a contractor. Contracted vehicles
- (2) Despite subsection (1), a parent who receives compensation from the education authority for transporting that person's own child is not a contractor for the purposes of sections 15 to 21. Parents
- 15.** No contract with a contractor shall be entered into until there has been filed with the education authority a policy of insurance as required by these regulations. Requirements for contract
- 16.** (1) A driver of a contracted vehicle shall hold Driver to have appropriate class of license

- (a) a valid Class 4 driver's license, if transporting less than 24 passengers; and
 (b) a valid Class 2 driver's license, if transporting 24 or more passengers.
- (2) A driver of a contracted vehicle shall have held a Class 5 driver's license for at least five years. Class 5 driver's license for five years
- 17.** (1) An education authority may terminate, without penalty, the contract under which a contracted vehicle operates if the driver of the contracted vehicle violates clause 11(k), (l) or (m) or section 16. Contract may be terminated where impaired driving
- (2) Clauses 11(k), (l) and (m) apply with any necessary changes to a driver of a contracted vehicle. Clauses 11(k), (l) and (m) apply
- (3) An education authority shall immediately terminate a contract for transporting students if the driver's driving privileges are suspended under the *Highway Traffic Act* or the *Criminal Code* (Canada). Contract terminated where driver's license suspended
- 18.** (1) A contractor is responsible for the compliance or non-compliance with these regulations by the driver of the contracted vehicle. Contractor responsible for driver's violation
- (2) Every contractor and driver of a contracted vehicle shall ensure that the vehicle meets the requirements in these regulations. Vehicle must meet requirements
- 19.** Every contract for transporting students by a contracted vehicle shall be in the form approved by the Minister. Contract must be in required form
- 20.** (1) Any contracted vehicle used to transport students and the driver of such vehicle shall be subject to such examination at any time by any person authorized by the education authority or by the Minister. Examination of vehicle or driver
- (2) Where an examination conducted pursuant to subsection (1) shows that a vehicle is unsafe or cannot pass inspection under the laws of the province, the education authority may give notice to the contractor that the vehicle shall pass inspection or be replaced before transporting any more students. Unsafe vehicle
- (3) Notwithstanding any provision of a contract between the education authority and the contractor, where the contractor fails to replace the vehicle or to have it pass inspection within 5 days of the notice under this section, the education authority may give notice of immediate termination of the contract and immediately terminate the contract with the contractor. Failure to replace vehicle
- (4) Notwithstanding any provision of a contract between the education authority and a contractor, where an examination under subsection (1) results in a recommendation that the driver should not transport students, the education authority may give notice to the contractor to replace the driver before transporting any more students or give notice of immediate termination of the contract and immediately terminate the contract with the contractor. Notice to replace driver
- 21.** No vehicle shall be used to transport students unless it displays current inspection and registration stickers issued in accordance with the *Highway Traffic Act*. Stickers required
- 22.** Each school bus shall carry a unique identifying number designated by the education authority. Identifying number
- 23.** All new school buses assigned to an education authority shall comply with the current Canadian Standards Association standards for school buses. Standards
- 24.** (1) In this section, "model year", in respect of a school bus, means the model year designated by the manufacturer of the school bus or, if there is no such designation, the calendar year in which the manufacture of the school bus is completed. model year, defined
- (2) For the purposes of these regulations, the age of a school bus shall be determined by measuring its age from the model year of the school bus to September 1st of the school year in which the school bus is used. Measuring age of school bus

- (3) Subject to subsection (4), an education authority shall ensure that any school bus used by the education authority for the transportation of students does not exceed 11 years of age. Age of school bus
- (4) An education authority may use a school bus that exceeds 11 years of age for the transportation of students if the school bus does not exceed 13 years of age and the school bus is used Exceptions
- (a) for a school-sponsored activity; or
 - (b) as a temporary bus to replace another school bus that
 - (i) is taken out of service by an education authority for the purposes of repairs, maintenance or an inspection, or
 - (ii) is being used for a school-sponsored activity.
- 25.** An education authority shall ensure that every vehicle used by the education authority for transporting students is maintained in good mechanical condition. Condition of buses
- 26.** Every vehicle used by an education authority for transporting students shall be inspected in accordance with the *Highway Traffic Act* Motor Vehicle Inspection Regulations. Motor Vehicle Inspection Regulations apply
- 27.** An education authority shall maintain written service records and maintenance and inspection schedules of school buses, and shall ensure compliance with such schedules. Bus service records
- 28.** An education authority shall have a motor vehicle liability policy of insurance for school buses for not less than \$5,000,000, exclusive of interest and costs, for public liability and property damage and \$5,000,000, exclusive of interest and costs, for passenger hazard insurance. Motor vehicle liability policy, education authority
- 29.** (1) Subject to subsection (2), every contractor shall have in force a motor vehicle liability policy of insurance for the contracted vehicle for not less than \$2,000,000, exclusive of interest and costs, for public liability and property damage and for not less than \$2,000,000, exclusive of interest and costs, for passenger hazard insurance, with an insurer licensed to transact the business of insurance in the province. Motor vehicle liability policy, contractor
- (2) A contractor using a passenger bus with capacity for more than 18 student passengers shall have in force a motor vehicle liability policy of insurance for the bus for not less than \$5,000,000, exclusive of interest and costs, for public liability and property damage and for not less than \$5,000,000, exclusive of interest and costs, for passenger hazard insurance, with an insurer licensed to transact the business of insurance in the province. Motor vehicle liability policy, more than 18-student capacity
- (3) A policy of insurance required under this section shall be endorsed with the requirement that the insurer provide the education authority with 30 days notice of cancellation or material change in the policy. Endorsement
- 30.** (1) An education authority shall designate pick-up and drop-off points for receiving and discharging students. Pick-up and drop-off points
- (2) An education authority shall establish a plan for receiving and discharging students on school premises and at authorized pick-up and drop-off points. Plan for receiving and discharging students
- 31.** The *School Act* Student Transportation Regulations (EC485/98) are revoked. Revocation
- 32.** These regulations come into force on August 20, 2016. Commencement

EXPLANATORY NOTES

SECTION 1 defines terms used in these regulations and provides for the interpretation of several terms.

SECTION 2 sets out when the regulations apply.

SECTION 3 sets out requirements to be met in order to be employed as a school bus driver.

SECTION 4 sets requirements to be met in order to continue to be permanently employed as a school bus driver.

SECTION 5 sets out requirements applicable to substitute school bus drivers.

SECTION 6 requires that an education authority emphasize driver safety and authorizes it to require a driver to complete a driving examination conducted by the Highway Safety Division. It also requires the completion of any examination required by the Registrar of Motor Vehicles, once a driver is 60 years of age.

SECTION 7 provides for medical examinations and tests for school bus drivers that are or may be required, and for compulsory leave at the discretion of the education authority pending the outcome of the tests or examinations or until termination of employment.

SECTION 8 sets out when a school bus driver's employment may be terminated due to the results of a test or examination.

SECTION 9 sets out a school bus driver's responsibility for the safety of students and to whom a driver is to report student misconduct.

SECTION 10 sets out the duties of school bus drivers.

SECTION 11 sets out activities that school bus drivers are prohibited from doing.

SECTION 12 deals with situations where a school bus is involved in an accident.

SECTION 13 provides for suspension or dismissal of a school bus driver, or other disciplinary action, for certain infractions of the law.

SECTION 14 provides for contracts to have students transported in contracted vehicles supplied by contractors.

SECTION 15 requires a vehicle insurance policy be filed before a contract is signed to use a contracted vehicle for student transportation.

SECTION 16 sets out driver's license requirements for drivers of contracted vehicles.

SECTION 17 provides for termination of a student transportation contract for certain infractions of the law by a driver of a contracted vehicle.

SECTION 18 makes a contractor responsible for the compliance by the driver of the contracted vehicle with the regulations.

SECTION 19 provides for a form for student transportation contracts.

SECTION 20 sets out examination requirements for contracted vehicles and their drivers and authorizes termination of the contracts by an education authority if the requirements of the section are not met.

SECTION 21 requires that vehicles used to transport students have current inspection and registration stickers.

SECTIONS 22 to 26 set out requirements and standards with respect to school buses.

SECTION 27 requires an education authority to maintain written service records and maintain and follow maintenance and inspection schedules.

SECTIONS 28 and 29 set out insurance requirements with respect to school buses and contracted vehicles that will be used to transport students.

SECTION 30 requires an education authority to plan and designate pick-up and drop-off points for students.

SECTION 31 revokes the *School Act* Student Transportation Regulations.

SECTION 32 provides for the commencement of these regulations.

EC2016-534

EDUCATION ACT 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. (1) In these regulations,
- | | |
|---|--|
| | Definitions |
| (a) “accredited university” means a university or degree-granting institution that is | accredited university |
| (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 <i>Education Act</i> R.S.P.E.I. 1988, Cap. E-.02; | Act |
| (c) “approved study” means a course or program approved by the Minister, on the recommendation of the Board, pursuant to subsection 3(2); | approved study |
| (d) “Board” means the Teacher Certification and Standards Board continued in subsection 7(1) of the Act; | Board |
| (e) “credit hour” means a unit of value assigned to a course or other training activity offered by an accredited university; | credit hour |
| (f) “interprovincial standards (Red Seal) endorsement” means an interprovincial standards (Red Seal) endorsement as defined in the <i>Apprenticeship and Trades Qualification Act</i> General Regulations (EC666/12); | interprovincial standards (Red Seal) endorsement |
| (g) “major” means a primary concentration of courses in a particular subject area recognized by the accredited university offering the courses; | major |
| (h) “minor” means a secondary concentration of courses in a particular subject area recognized by the accredited university offering the courses; | minor |
| (i) “teachable subject-area” means a subject-area of the education program approved by the Minister under clause 3(2)(b) of the Act. | teachable subject-area |
- (2) In these regulations, a “pre-service teacher education program” means a program that
- | | |
|---|---|
| | Definition, pre-service teacher education program |
| (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.
- 2. (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: Application for teacher's license
- (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.
- (2)** To obtain a teacher's license, an applicant shall Standards and criteria
- (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.
- (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. Terms and conditions
- (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. Refusal to issue
- 3. (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. Board recommendation, 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 Requirements for approved study
- (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.
- 4. (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 Assignment of qualification level

teacher's license in accordance with this section and provide to the teacher written reasons for the qualification level assigned.

(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 4

(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 Qualification level 5

- (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.

(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 Qualification level 5A

- (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.

(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. Trade equivalent

(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 Qualification level 6

- (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.

(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 Qualification level 7

- (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.

(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. Transitional

5. (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. New qualification level

(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. Notice of refusal

- 6.** (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: Application for temporary permit
- (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.
- (2) To obtain a temporary permit, an applicant shall have successfully completed Qualifications for temporary permit
- (a) 90 credit hours of post-secondary study, offered at an accredited university, in one or more teachable subject-areas; or
 - (b) where the applicant has an interprovincial standards (Red Seal) endorsement in a trade related to a teachable subject-area,
 - (i) a one-year program in the trade or the minimum number of weeks of block training required for qualification in the trade, offered by a post-secondary institution, and
 - (ii) four years of work experience in the trade or the minimum number of hours of work experience required for qualification in the trade.
- (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. Restriction
- (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. Terms and conditions
- (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. Refusal to issue
- 7.** 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 English or French proficiency
- (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).
- 8.** (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). Appeal of refusal, terms and conditions, qualification level
- (2) The person shall attach to the notice of appeal referred to in subsection (1) Information required
- (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.
- 9.** (1) The Minister shall appoint an appeal board composed of the following persons to hear an appeal under section 101 of the Act: Appeal board
- (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.

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- (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. Appeal documents
- 10.** The appeal board has the power Powers of appeal board
- (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.
- 11.** (1) Except where otherwise provided in these regulations, the appeal board may determine its own procedure respecting the hearing. Appeal board determines own procedure
- (2) The appeal board shall give the appellant the opportunity to be heard and to be represented by counsel. Opportunity to be heard
- (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. Notice of hearing
- (4) The three members of the appeal board constitute a quorum. Quorum
- (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. Procedure
- 12.** (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 Powers respecting refusal of Registrar
- (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.
- (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 Powers respecting imposition of conditions
- (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.
- (3) Where the hearing is in respect of the qualification level assigned in relation to a teacher's license, the appeal board may Powers respecting qualification level
- (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.
- 13.** (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. Written reasons
- (2) A decision of the majority of members of the appeal board shall be the decision of the appeal board. Majority decision
- (3) A member of the appeal board may submit a minority decision to the appellant and the Registrar. Minority report
- 14.** 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. Statement of professional standing
- 15.** (1) The fees required under the Act or these regulations for the following documents provided or services performed are as follows: Fees
- (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.

(2) The fees referred to in subsection (1) are payable to the Minister of Finance. *Idem*

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

17. These regulations come into force on August 20, 2016. *Commencement*

EXPLANATORY NOTES

SECTION 1 defines terms used in these regulations and sets out the minimum requirements for a pre-service teacher education program.

SECTION 2 sets out the documents that shall be provided with an application for a teacher's license and the standards and criteria an applicant shall meet to obtain a teacher's license. It permits the Registrar to impose terms and conditions on a teacher's license provided that the Registrar gives written reasons for the imposition. It also adds the ground of not being entitled to work in Canada to the grounds on which the Registrar may refuse to issue a teacher's license.

SECTION 3 provides that the Board may recommend to the Minister that a course or program be recognized as approved study for the purpose of assigning a qualification level to a teacher's license and the Minister may recognize the course or program if it meets specified requirements.

SECTION 4 requires the Registrar to assign a qualification level to a teacher's license pursuant to subsection 99(1) of the Act in accordance with this section and sets out the qualifications for a level 4, 5, 5A, 6 and 7. It requires the Registrar to provide written reasons for the qualification level assigned. It also provides for the transition of the qualification level assigned to an instructional license issued under the former Act that is deemed to be a teacher's license under the new Act.

SECTION 5 provides for the Registrar to assign a new qualification level to a teacher's license where the teacher applies, pays a fee and meets the qualifications for the level sought. It requires the Registrar to serve written notice of and reasons for a refusal to assign a new qualification level or the assignment of a different qualification level than the one applied for.

SECTION 6 sets out the documents that shall be provided with an application for a temporary permit and the standards and criteria an applicant shall meet to obtain a temporary permit. It prohibits the Registrar from issuing a temporary permit to an applicant who, in the opinion of the Registrar, qualifies for a teacher's license. It permits the Registrar to impose terms and conditions on a temporary permit provided that the Registrar give written reasons for the imposition. It also adds the ground of not being entitled to work in Canada to the grounds on which the Registrar may refuse to issue a temporary permit.

SECTION 7 sets out the ways an applicant's language proficiency in English or French may be evaluated.

SECTION 8 sets out how a person may commence an appeal of the Registrar's refusal to issue a teacher's license or a temporary permit, the imposition of terms and conditions on a license or permit or the qualification level assigned to a teacher's license.

SECTION 9 requires the Minister to appoint an appeal board to hear an appeal referred to in section 8 and provides for the composition of the appeal board. It also requires the Minister to provide the appeal board with all the appeal documents.

SECTION 10 sets out the powers of the appeal board.

SECTION 11 provides for matters respecting the hearing.

SECTION 12 sets out the powers of the appeal board respecting its decision.

SECTION 13 requires the appeal board to render a decision in writing within 30 days of the completion of the hearing and provide copies to the appellant and the Registrar. It provides that the decision of the majority of the members of the appeal board is the decision of the appeal board. It also provides for a member of the appeal board to submit a minority decision to the parties.

SECTION 14 provides for a teacher to obtain a statement of professional standing from the Registrar, on application and payment of a fee.

SECTION 15 sets out the fees required under the Act or these regulations for specified documents provided or services performed. It provides that the fees are payable to the Minister of Finance.

SECTION 16 revokes the *School Act* Teacher Certification and Standards Regulations (EC430/97).

SECTION 17 provides for the commencement of these regulations.

EC2016-535

EDUCATION ACT TEACHER DISCIPLINE REGULATIONS

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

- | | |
|---|--------------------|
| 1. In these regulations, | Definitions |
| (a) “Act” means the <i>Education Act</i> R.S.P.E.I. 1988, Cap. E-.02; | Act |
| (b) “appeal board” means the appeal board appointed by the Minister under section 8; | appeal board |
| (c) “review committee” means the review committee established by the Minister under section 3. | review committee |
| 2. (1) For the purposes of section 102 of the Act, cause includes, but is not limited to, | Nature of cause |
| (a) professional incompetence of a teacher; | |
| (b) conduct on the part of a teacher in this or another province or a jurisdiction outside of Canada that, in the opinion of the Registrar, gives rise to concerns about the teacher and the safety of children or other persons in a school; | |
| (c) a conviction of a teacher for an offence under the <i>Criminal Code</i> (Canada) or the <i>Controlled Drugs and Substances Act</i> (Canada) if, based on the nature of the offence, the Registrar reasonably believes that the teacher’s presence in a school would endanger the health, safety or well-being of students or other persons; | |
| (d) a misrepresentation by a teacher of his or her qualifications in an application for a teacher’s license under section 98 of the Act; | |
| (e) failure of the teacher to possess the qualifications required under the Act at the time the teacher’s license was issued. | |
| (2) The notice to the teacher required under subsection 102(8) of the Act shall specify | Contents of notice |
| (a) where the teacher’s license is suspended, | |
| (i) the period during which the suspension is in effect, and | |
| (ii) the Registrar’s reasons for deciding to impose the suspension on an interim basis until the review committee has concluded its investigation under subsection 102(3) of the Act; | |
| (b) where conditions are imposed on the teacher’s license, | |
| (i) a description of the conditions, | |

- (ii) the period during which the conditions remain in effect, and
 (iii) the Registrar's reasons for deciding to impose the conditions on an interim basis until the review committee has concluded its investigation under subsection 102(3) of the Act.
- (3) The Registrar shall attach a copy of any supporting documentation to the notice referred to in subsection (2). Supporting documentation
- 3.** (1) The Minister shall establish a review committee for the purposes of conducting investigations under section 102 of the Act. Review committee
- (2) The review committee shall be composed of three persons, including at least one person who is a teacher. Composition
- (3) The Minister shall designate a member of the review committee as the chairperson of the review committee. Chairperson
- (4) Two members of the review committee, one of whom shall be a teacher, constitute a quorum. Quorum
- (5) A member of the review committee who has a conflict of interest in respect of a matter that is before the review committee shall
- (a) immediately disclose the nature of the conflict of interest to the review committee; and
 - (b) refrain from attempting to influence the disposition of the matter or participating in consideration of the matter.
- 4.** For the purposes of subsections 102(3) and (9) of the Act, the review committee or the Registrar, as the case may be, may request the teacher to undergo an assessment of one or more of the following types: Types of assessment
- (a) psychiatric assessment;
 - (b) psychological assessment;
 - (c) addictions assessment;
 - (d) an assessment of medical condition, with respect to the teacher's medical fitness to carry out the responsibilities of a teacher.
- 5.** (1) The notice the Registrar is required to provide to a teacher for the purposes of subsection 102(1) of the Act shall contain Contents of notice
- (a) the Registrar's reasons for suspending the teacher's license or revoking the teacher's license, as the case may be;
 - (b) the effective date of the suspension or revocation, as the case may be;
 - (c) in the case of a suspension, the period during which the suspension is in effect;
 - (d) in the case of a suspension where the Registrar has specified conditions or a requirement for the holder of the suspended teacher's license to undergo an assessment pursuant to subsection 102(9) of the Act, the details of the conditions or the type of assessment required, as the case may be.
- (2) The Registrar shall attach a copy of any supporting documentation to the notice referred to in subsection (1). Supporting documentation
- 6.** (1) For the purposes of subsections 102(1) and (8) and 105(2) of the Act, the notice to be provided by the Registrar to a teacher or the holder of a temporary permit shall be Personal service or registered mail
- (a) in writing; and
 - (b) served on the teacher or the holder of a temporary permit either
 - (i) personally, or
 - (ii) by registered mail.
- (2) Notice served by registered mail on a teacher or the holder of a temporary permit, as the case may be, in accordance with subclause (1)(b)(ii), is deemed to have been received 5 days after the notice was mailed. Deemed receipt
- 7.** (1) A teacher may commence an appeal under subsection 104(1) of the Act by sending a written notice of appeal accompanied with the appeal fee, to the Minister not later than 15 working days after the date of the suspension, revocation or imposition of terms or conditions by the Registrar under section 102 of the Act. Notice of appeal

- (2) The teacher shall attach to the notice of appeal referred to in subsection (1) Information required
- (a) a copy of the notice received by the teacher pursuant to subsection 2(2) or 5(1), as the case may be, and any attachments;
 - (b) a description of the basis of the appeal; and
 - (c) a copy of any additional supporting documentation.
- (3) The fee for an appeal under section 102 of the Act of a decision of the Registrar is \$200. Fee
- 8.** (1) The Minister shall appoint an appeal board to hear an appeal under subsection 104(1) of the Act. Appeal board
- (2) The appeal board shall be composed of the following: Composition
- (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.
- (3) The Minister shall provide to the appeal board a copy of the notice of appeal and any attached documents referred to in subsection 7(2). Appeal documents
- 9.** The appeal board has the power Powers of appeal board
- (a) to hear and determine the teacher'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.
- 10.** (1) Except where otherwise provided in these regulations, the appeal board may determine its own procedure respecting the hearing. Appeal board determines own procedure
- (2) The appeal board shall give the teacher the opportunity to be heard and to be represented by counsel. Opportunity to be heard
- (3) The chairperson of the appeal board shall give notice to the teacher and the Registrar of the date, time and place of the hearing. Notice of hearing
- (4) The three members of the appeal board constitute a quorum. Quorum
- (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. Procedure
- 11.** (1) Where the hearing is in respect of the imposition of conditions on a teacher's license, the appeal board may Powers respecting conditions on license
- (a) confirm the decision of the Registrar;
 - (b) vary one or more conditions imposed on the teacher's license by the Registrar; or
 - (c) order that the conditions imposed on the teacher's license by the Registrar be removed.
- (2) Where the hearing is in respect of a suspension of a teacher's license, the appeal board may Powers respecting suspension of license
- (a) confirm the suspension of the teacher's license;
 - (b) reduce or increase the period of suspension of the teacher's license; or
 - (c) order the reinstatement of the teacher's license.
- (3) Where the hearing is in respect of the revocation of a teacher's license, the appeal board may Powers respecting revocation of license
- (a) confirm the revocation of the teacher's license;
 - (b) substitute a period of suspension of the teacher's license for the revocation; or
 - (c) order the reinstatement of the teacher's license.
- (4) Where the hearing is in respect of a decision of the Registrar under subsection 102(8) of the Act, the appeal board shall order the reinstatement of the teacher's license with or without conditions if, in the opinion of the appeal board, the suspension of the license or imposition

of conditions on an interim basis was not required to ensure the health, safety or well-being of students.

12. (1) If the decision of the appeal board under subsection 11(2) or (4) is to reduce the period of suspension of the teacher's license or reinstate the teacher's license, the appeal board shall, if the teacher is employed by an education authority, credit the teacher with the benefits that would have accrued to the teacher for the period if the teacher's license had not been suspended. Benefits

(2) If the decision of the appeal board under subsection 11(3) is to reinstate a teacher's license that has been revoked, the appeal board may, if the teacher was employed by an education authority at the date of revocation, credit the teacher with the benefits that would have accrued to the teacher if the teacher's license had not been revoked. Idem

13. (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 Registrar and the teacher. Written reasons

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

(3) A member of the appeal board may submit a minority decision to the Registrar and the teacher. Minority report

14. The *School Act* Instructional Personnel Regulations (EC481/98) are revoked. Revocation

15. These regulations come into force on August 20, 2016. Commencement

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 establishes the nature of cause in relation to the Registrar's suspension or revocation of a teacher's license under section 102 of the Act, and specifies the notice that the Registrar must provide to a teacher in the event of a suspension of or the imposition of terms and conditions on a license under subsection 102(8) of the Act. It also requires the Registrar to attach any supporting documentation to the notice.

SECTION 3 provides for the establishment of a review committee by the Minister for the purpose of conducting investigations under section 102 of the Act.

SECTION 4 specifies the types of assessment that may be requested by the review committee or the Registrar for the purposes of subsections 102(3) and (9) of the Act.

SECTION 5 specifies the contents of the notice that the Registrar is required to provide to a teacher for the purposes of subsection 102(1) of the Act. It also requires the Registrar to attach any supporting documentation to the notice.

SECTION 6 establishes the requirements for the serving of notice on a teacher or the holder of a temporary permit for the purposes of subsections 102(1) and (8) and 105(2) of the Act.

SECTION 7 establishes the process by which a teacher may commence an appeal under subsection 104(1) of the Act.

SECTION 8 provides for the appointment of an appeal board by the Minister to hear an appeal under subsection 104(1) of the Act and specifies its membership. It also requires the Minister to provide a copy of the notice of appeal and other documents to the appeal board.

SECTION 9 establishes the powers of the appeal board.

SECTION 10 authorizes the appeal board to establish its own procedures for the hearing of an appeal, requires it to provide an

opportunity to the teacher to be heard, and deals with other procedural matters such as quorum and notice to the teacher and the Registrar.

SECTION 11 specifies the powers of the appeal board to confirm, vary, modify or reverse the different decisions that may be appealed.

SECTION 12 establishes the effects on a teacher's benefits of a specified decision of the appeal board under the previous section.

SECTION 13 requires the appeal board to render its written decision within 30 days of the completion of the hearing and to provide copies to the Registrar and the teacher.

SECTION 14 revokes the *School Act* Instructional Personnel Regulations (EC481/98).

SECTION 15 provides for the commencement of the regulations.

EC2016-536

MUNICIPALITIES ACT EXPANSION OF SERVICES COMMUNITY OF GREENMOUNT-MONTROSE APPROVED

Having under consideration a recommendation from the Minister of Communities, Land and Environment, and pursuant to subsection 33(3) of the *Municipalities Act* R.S.P.E.I. 1988, Cap. M-13, Council approved an application from the Community of Greenmount-Montrose to expand services provided by the municipality to include the following additional services:

- (i) tourist development and promotion;
- (ii) assistance to community organizations; and
- (iii) community development projects.

This Order-in-Council comes into force on August 20, 2016.

EC2016-537

PRIVATE SCHOOLS ACT DECLARATION RE

Under authority of section 20 of the *Private Schools Act* Stats. P.E.I. 2016, c. 21 Council ordered that a Proclamation do issue proclaiming the said "*Private Schools Act*" to come into force effective August 20, 2016.

EC2016-538

PRIVATE SCHOOLS ACT 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. In these regulations, "Act" means the *Private Schools Act* R.S.P.E.I. ^{Definition} 1988, Cap. P-20.01.
2. For the purposes of subclause 1(e)(iii) of the Act, "private school" ^{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*.

3. (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:

Application for registration

- (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.

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

Fee

4. 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:

Not suitable to have contact with students

- (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.

5. An operator of a private school shall ensure that:

General standards to be maintained by operator

- (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*.
- 6.** (1) The operator of a private school shall notify the Administrator immediately on receipt of Notice to Director
- (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.
- (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*. Notice to Director of Child Protection
- 7.** (1) The operator of a private school shall take all reasonable steps to protect students attending the private school from hazards, including Protection from hazards
- (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.
- (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. Idem
- 8.** For the purposes of clause 5(1)(b) of the Act, each instructor at the private school shall have successfully completed Qualifications for instructors
- (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.
- 9.** (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: Student enrolment and attendance information
- (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.
- (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: Idem, monthly report
- (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.
- 10.** (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 Appeal Board

serve as chairperson, is a member of the Law Society of Prince Edward Island.

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

(3) Members of the Appeal Board shall receive the remuneration, and are entitled to be reimbursed for the expenses, determined by the Minister. Remuneration, etc.

11. (1) An operator of a private school or an applicant who files a notice of appeal shall in addition provide Information required

- (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.

(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. Idem

(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. Fee for appeal

12. The Appeal Board may retain any legal or other assistance that it considers necessary for the purpose of reviewing a decision of the Administrator. Assistance

13. The Appeal Board has the power Powers of Appeal Board

- (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.

14. (1) Except where otherwise provided in these regulations, the Appeal Board may determine its own procedure respecting the hearing. Determination of procedure

(2) The Appeal Board shall give the appellant the opportunity to be heard and to be represented by counsel. Opportunity to be heard

(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. Notice of hearing

(4) The three members of the Appeal Board constitute a quorum. Quorum

(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. Procedure

15. (1) Where the hearing is in respect of a suspension of the registration of a private school, the Appeal Board may Powers respecting suspension

- (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.

(2) Where the hearing is in respect of the cancellation of the registration of a private school, the Appeal Board may Powers respecting cancellation

- (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.

(3) Where the hearing is in respect of a refusal by the Administrator to register a private school, the Appeal Board may Powers respecting registration

- (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.

16. 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. Decision and reasons

17. These regulations come into force on August 20, 2016. Commencement

EXPLANATORY NOTES

SECTION 1 provides a definition for the purposes of the regulations.

SECTION 2 clarifies what constitutes a private school for the purposes of subclause 1(e)(iii) of the Act.

SECTION 3 establishes the requirements for an application for registration of a private school under section 4 of the Act.

SECTION 4 establishes grounds for the Administrator to conclude, for the purposes of clause 4(5)(c) of the Act, that a person is not suitable to have contact with students as the operator of a private school.

SECTION 5 establishes general standards to be maintained by an operator of a private school.

SECTION 6 requires the operator of a private school to notify the Administrator immediately when the operator receives a direction under the *Fire Prevention Act* or the *Public Health Act*, and to notify the Director of Child Protection immediately where the operator has reasonable and probable cause to believe that a student has been deserted, abandoned or abused.

SECTION 7 requires an operator of a private school to ensure that students are protected from specified hazards, and also that the students attending the private school are provided with a safe learning environment.

SECTION 8 establishes the qualifications required of instructors at a private school, for the purposes of clause 5(1)(b) of the Act.

SECTION 9 specifies the information to be provided annually and monthly by an operator of a private school respecting student enrolment and attendance.

SECTION 10 authorizes the Minister to establish an Appeal Board for the purposes of section 12 of the Act.

SECTION 11 provides for appeal notices and establishes the fee for an appeal in the amount of \$200.

SECTION 12 authorizes the Appeal Board to retain legal or other assistance that it considers necessary.

SECTION 13 establishes the powers of the Appeal Board.

SECTION 14 authorizes the Appeal Board to determine its own procedure.

SECTION 15 specifies the orders that the Appeal Board may make at the conclusion of a hearing.

SECTION 16 requires the Appeal Board to serve its decision and the reasons for it in writing on the Administrator and the appellant.

SECTION 17 provides for the commencement of the regulations.

EC2016-539

**PRIVATE SCHOOLS ACT
DIPLOMA 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.** In these regulations,
- | | |
|---|--------------------------------|
| | Definitions |
| (a) “Act” means the <i>Private Schools Act</i> R.S.P.E.I. 1988, Cap. P-20.01; | Act |
| (b) “credit” means a weighted unit based on the number of defined hours of instruction in a course that is awarded to a student upon successful completion of the course with a pass mark of at least 50%; | credit |
| (c) “English credit” means a credit for a course identified as an English course in the Senior High Program of Studies; | English credit |
| (d) “French credit” means a credit for a course identified as a core French course in the Senior High Program of Studies; | French credit |
| (e) “mathematics credit” means a credit for a course identified as a math course in the Senior High Program of Studies; | mathematics credit |
| (f) “physical education credit” means a credit for a course identified as a physical education course in the Senior High Program of Studies; | physical education credit |
| (g) “science credit” means a credit for a course identified as a science course in the Senior High Program of Studies; | science credit |
| (h) “secondary school studies” means enrolment in courses or a program of study at the grade 10, 11 and 12 level; | secondary school studies |
| (i) “Senior High Program of Studies” means the education program approved by the Minister under clause 3(2)(b) of the <i>Education Act</i> R.S.P.E.I. 1988, Cap. E-.02, for use in the English school system; | Senior High Program of Studies |
| (j) “social studies credit” means a credit for a course identified as a social studies course in the Senior High Program of Studies. | social studies credit |
- 2.** (1) A student is eligible to receive a diploma in accordance with this section or section 3 if,
- | | |
|--|-------------------------|
| <p>(a) the private school in which the student is enrolled is registered under section 4 of the Act; and</p> <p>(b) in the opinion of the Minister, courses offered by the private school are substantially equivalent to courses offered by the Public Schools Branch under the <i>Education Act</i>.</p> | Eligibility for diploma |
|--|-------------------------|
- (2) Subject to subsection (4), the Minister may award a diploma to a student who commenced his or her secondary school studies in the school year commencing September 2015, or at a later date, if the student successfully completes at least twenty credits in courses equivalent to those designated in the Senior High Program of Studies, including
- | | |
|---|------------------|
| <p>(a) at least five credits in courses equivalent to those designated in the Senior High Program of Studies as Grade 12 courses; and</p> <p>(b) credit for courses that are equivalent to the following courses designated in the Senior High Program of Studies:</p> <p style="padding-left: 40px;">(i) three English credits, one of which shall be ENG 621A or ENG 631A,</p> <p style="padding-left: 40px;">(ii) two mathematics credits,</p> <p style="padding-left: 40px;">(iii) two social studies credits, one of which must be CAS 401A, GEO 421A, HIS 421G/J, LAW 521A, LAW 531A, HIS 621A, HIS 621B or POL 621A,</p> <p style="padding-left: 40px;">(iv) one physical education credit, which shall be PED 401A,</p> <p style="padding-left: 40px;">(v) one career education and personal development education credit, and</p> <p style="padding-left: 40px;">(vi) one French credit, or a credit for a course identified in the Senior High Program of Studies as a creativity or innovation course.</p> | Required credits |
|---|------------------|

(3) The Minister may, on request, exempt a student from the credit requirement described in subclause (2)(b)(iv) or (v) if, in the opinion of the Minister, Exemption

- (a) the student's health, religious beliefs or physical circumstances prevent the student from successfully completing the credit requirement; or
- (b) the student has transferred into the private school education program from another province or a jurisdiction outside of Canada in the student's third year of secondary school studies, and completion of the credit requirement would unduly delay the completion of the student's secondary school studies.

(4) The Minister shall not award a diploma to a student who commences secondary school studies in the school year commencing in September 2017, or at a later date, unless the student has successfully completed the Prince Edward Island Secondary Literacy Assessment. Prohibition

3. The Minister may award a diploma to a student who commenced his or her secondary school studies in a school year commencing prior to September 2015, if the student successfully completes at least twenty credits in courses equivalent to those designated in the Senior High Program of Studies, including at least Required credits prior to September, 2015

- (a) five credits from courses designated in the Senior High Program of Studies as Grade 12 courses;
- (b) four English credits or four French credits;
- (c) two mathematics credits;
- (d) two science credits; and
- (e) two social studies credits.

4. The Minister shall not award a diploma to any person after June 29, 2020. Diploma shall not be awarded

5. These regulations are revoked on June 30, 2020. Revocation

6. These regulations come into force on August 20, 2016. Commencement

EXPLANATORY NOTES

SECTION 1 provides definitions for the purposes of the regulations.

SECTION 2 establishes the criteria applicable to the awarding of a diploma to a student who commenced secondary school studies on or after September 2015, including the required credits, and authorizes the Minister to make exemptions in specified circumstances. The section prohibits the awarding of a diploma to a student who commences secondary school studies at a private school on or after September 2017, unless the student has successfully completed the Prince Edward Island Secondary Literacy Assessment.

SECTION 3 establishes the criteria applicable to the awarding of a diploma to a student who commenced secondary school studies prior to September 2015, including the required credits.

SECTION 4 prohibits the awarding of a diploma to any person after June 29, 2020.

SECTION 5 provides that the regulations are revoked on June 30, 2020.

SECTION 6 provides for the commencement of the regulations.

EC2016-540

UNIVERSITY ACT
BOARD OF GOVERNORS
OF THE
UNIVERSITY OF PRINCE EDWARD ISLAND
APPOINTMENTS

Pursuant to clause 8(1)(a) of the *University Act* R.S.P.E.I. 1988, Cap. U-4 Council made the following appointments:

NAME	TERM OF APPOINTMENT
Kathy Hambly Charlottetown (vice Frank Xhou, term expired)	9 August 2016 to 31 May 2019
Scott Harper Alberton (reappointed)	31 May 2016 to 31 May 2019
Margo Thompson Summerside (reappointed)	31 May 2016 to 31 May 2019

EC2016-541

UNIVERSITY ACT
UNIVERSITY OF PRINCE EDWARD ISLAND
APPROVAL TO INCUR A LIABILITY

Pursuant to clause 17(1)(b) of the *University Act* R.S.P.E.I. 1988, Cap. U-4 Council authorized the Board of Governors of the University of Prince Edward Island to incur a liability and to make expenditures by borrowing an amount not exceeding two hundred and fifty thousand (\$250,000) dollars towards repairing and upgrading of the University of Prince Edward Island's turf field.

EC2016-542

PUBLIC DEPARTMENTS ACT
ACTING MINISTER
APPOINTMENT

Under authority of subsection 4(2) of the *Public Departments Act*, R.S.P.E.I. 1988, Cap. P-29 the following appointment was made:

Honourable Robert Mitchell to be Acting Minister of Agriculture and Fisheries from the 19th day of August 2016 through to the 28th day of August, 2016, in the absence from the Province of Honourable Alan McIsaac.