



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

EDUCATION ACT

PLEASE NOTE

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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EDUCATION ACT

Table of Contents

Section	Page
PART I - INTERPRETATION	7
1. Definitions.....	7
PART II — RESPONSIBILITIES AND POWERS OF THE MINISTER	9
2. Administration	9
3. Responsibilities	10
4. Directives to school boards	11
5. Minister’s request for information	11
6. Annual report to Legislative Assembly	12
7. Teacher Certification and Standards Board.....	12
8. Advisory groups, committees.....	13
9. Classes for those unable to attend schools	13
10. Minister’s right to intervene in proceedings.....	13
PART III — EDUCATION AUTHORITIES	13
11. French Language School Board continued	13
12. Boards of trustees.....	13
13. Public Schools Branch	14
14. Quorum	14
15. Director	14
16. Committees of education authority	15
17. Delegation by education authority	15
18. Management of schools and property	15
19. Annual reports.....	15
20. Powers, duties of education authority	16
21. Education authority policies.....	16
22. Inspection.....	17
23. Admission of students to schools	17
24. Enrolment in English school system	17
25. Enrolment in French school system	17
26. Non-eligible parent	17
27. Transfer between school systems.....	18
28. Recognition of educational activities not provided by education authority	18
29. Attendance of students	18
30. Disturbances on school premises	18
31. Practice teaching	18
32. Permanent closure of schools.....	18
33. Employment and management of personnel	19
34. Contracts	19
35. Sabbatical leaves for instructional personnel	19
36. Member of education authority, officer or employee, reference to	19

37.	Indemnification of member of education authority	19
38.	Inquiry into administration	20
39.	Official trustee	21
PART IV — SCHOOL COUNCILS AND HOME AND SCHOOL ASSOCIATIONS		22
40.	School council or home and school association	22
41.	Functions	22
PART V — STUDENTS AND PARENTS		23
42.	Right to access to education	23
43.	Resident in the province	23
44.	No fee	23
45.	Not a resident student	24
46.	Person of compulsory school age	24
47.	Student excused from attending	24
48.	Frequent absence from school	25
49.	Student responsibilities.....	25
50.	Corporal punishment prohibited.....	25
51.	Suspension of student	25
52.	Transfer of suspended student	27
53.	Appointment of hearing committee	27
54.	Expulsion.....	27
55.	Significant decision affecting student.....	28
56.	Liability for property damage.....	29
57.	Parent to be informed	29
58.	Student records.....	29
59.	Not contrary to <i>Youth Criminal Justice Act (Canada)</i> or <i>Youth Justice Act</i>	30
60.	Parent may examine student record.....	30
61.	Parent's rights abrogated, where	31
PART VI — INSTRUCTIONAL PERSONNEL		31
62.	Hiring	31
63.	Credit time served	31
64.	Termination	31
65.	Fixed-term contract	31
66.	Termination of contract.....	32
67.	Teacher's license	32
68.	Suspension for cause	32
69.	Supervisor must have teacher's license	33
70.	Effect on status	33
71.	Responsibilities of teachers	33
72.	Responsibilities of student teacher	33
73.	Responsibilities of substitute teacher.....	33
74.	Responsibilities of principals.....	34
PART VII — LABOUR RELATIONS		34
75.	Education Negotiating Agency.....	34
76.	Salary scales and benefits.....	35
77.	Signatories.....	35
78.	<i>Arbitration Act</i> does not apply.....	35
79.	Payment only as specified	35
80.	Employment status	35
PART VIII — HEALTH AND SAFETY		36
81.	Student excluded for health reasons	36
82.	Report child abuse.....	37

83.	Injury or medical emergency	37
84.	Consent to activities off school premises	37
85.	Courses, programs off school premises.....	37
PART IX — FINANCE		38
86.	Education authority funding program	38
87.	Fiscal year	38
88.	Revised budget.....	38
89.	Administrative and operating control systems	38
90.	Accounts in financial institutions	39
91.	Information from auditors	39
92.	Education authority incurs liabilities, expenditures	39
93.	Construction and capital additions to schools	39
94.	Insurance.....	39
PART X — OTHER EDUCATION PROGRAMS		40
95.	Notice of intention	40
96.	Educational program	40
PART XI — LICENSES AND TEMPORARY PERMITS		40
97.	Duties of Registrar	40
98.	Apply to Registrar	41
99.	Registrar issues teacher's license	41
100.	Registrar may issue temporary permit	42
101.	Appeal	43
102.	Suspension or revocation for cause	43
103.	Prohibition.....	45
104.	Appeal	45
105.	Registrar may suspend or revoke temporary permit.....	45
PART XII — OFFENCES AND PENALTIES		46
106.	Offence.....	46
PART XIII — REGULATIONS		46
107.	Regulations	46
PART XIV — TRANSITIONAL PROVISIONS		49
108.	Public Schools Branch	49
109.	Employment status	51
110.	Teacher not a member.....	52
PART XV — CONSEQUENTIAL AMENDMENTS, REPEAL, COMMENCEMENT		52
111.	to 135 <i>Consequentials</i>	52
REPEAL		53
136.	The <i>School Act</i> R.S.P.E.I. 1988, Cap. S-2.1, is repealed.....	53



EDUCATION ACT CHAPTER E-.02

PART I - INTERPRETATION

1. Definitions

(1) In this Act,

- (a) “**Agency**” means the Education Negotiating Agency continued under section 75;
- (b) “**authorized representative**” means
 - (i) in the case of instructional personnel other than supervisory personnel, the union or association that represents them for the purposes of collective bargaining, and
 - (ii) in the case of non-instructional personnel other than supervisory personnel, the union that represents them for the purpose of collective bargaining;
- (c) “**Chief Public Health Officer**” means the Chief Public Health Officer appointed under the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.1;
- (d) “**Department**” means the Department of Education and Early Years;
- (e) “**Director**” means the person appointed as the chief operating officer of an education authority;
- (f) “**Director of Child Protection**” means the Director of Child Protection appointed under the *Child Protection Act* R.S.P.E.I. 1988, Cap. C-5.1;
- (g) “**education authority**” means either the French Language School Board or the Public Schools Branch, or both, as the context requires;
- (h) “**Education Service Agreement**” means a contract under which an education authority is obligated to provide educational instruction at a school for persons whose education is the responsibility of
 - (i) the Government of Canada,
 - (ii) a prescribed organization, or
 - (iii) a prescribed government;
- (i) “**eligible parent**” means a resident of the province who, under section 23 of the Canadian Charter of Rights and Freedoms, has the right to have the parent’s child receive French first language instruction in the province;
- (j) “**English school system**” means the administrative system in which English is used as the language of instruction and in which French is taught as a second language or by means of a French immersion program;
- (k) “**expulsion**” means exclusion from schools operated by an education authority until the end of the school year in which the exclusion occurs, unless this Act provides otherwise;

- (l) “**former Act**” means the *School Act* R.S.P.E.I. 1988, Cap. S-2.1;
- (m) “**French first language instruction**” means primary and secondary school instruction in French as a first language, but does not include a French immersion program;
- (n) “**French Language School Board**” means the education authority known as La Commission scolaire de langue française or the French Language School Board, continued under section 11;
- (o) “**French school system**” means the administrative system in which French is used as the language of instruction and in which English is taught as a second language;
- (p) “**independent student**” means a student who is
 - (i) 18 years of age or older, or
 - (ii) 16 years of age or older and
 - (A) in the opinion of the Director, is living independently of the student’s parents, or
 - (B) is party to an agreement under subsection 13(2) of the *Child Protection Act*;
- (q) “**instructional day**” means a day on which students are required to attend school;
- (r) “**instructional personnel**” means
 - (i) teachers and substitute teachers employed by an education authority in a teaching, education administrative or other professional capacity relating to education, and
 - (ii) the other employees of education authorities designated in the regulations as instructional personnel;
- (s) “**member of an education authority**” means a person elected or appointed as a trustee for the education authority;
- (t) “**Minister**” means the Minister of Education and Early Years;
- (u) “**non-instructional personnel**” means employees of an education authority who are not instructional personnel;
- (v) “**parent**” includes a guardian and a person who has custody of or access to a student under an enactment or by virtue of any court order, but for the purposes of section 25 does not include a foster parent or the Director of Child Protection;
- (w) “**principal**” means a teacher appointed by an education authority to exercise educational leadership and supervisory and administrative responsibilities for a school;
- (x) “**Public Schools Branch**” means the education authority continued as the Public Schools Branch under section 11;
- (y) “**Registrar**” means the Registrar appointed by the Minister under section 97;
- (z) “**regulated disease**” means a notifiable disease or condition or a communicable disease specified in the Notifiable Diseases and Conditions and Communicable Diseases Regulations under the *Public Health Act* or declared by the Minister of Health and Wellness to be a notifiable disease or condition or communicable disease pursuant to that Act;
- (aa) “**school**” means a structured learning environment through which an education program is offered to a student by an education authority;
- (bb) “**school-aged child**” means a person who meets the qualifications set out in subsection 42(1);

- (cc) “**school premises**” means a building or property under the management or operation of an education authority that is used in whole or in part for the instruction of students;
- (dd) “**school-sponsored activity**” means any activity, whether conducted on or off school premises, that is sponsored, recognized or authorized by a principal or an education authority;
- (ee) “**school year**” means a period beginning and ending on the dates established in the regulations;
- (ff) “**student**” means a person
 - (i) enrolled in an education program authorized by this Act, or
 - (ii) required by subsection 46(2) to attend a school;
- (gg) “**student teacher**” means a person engaged in the practice of teaching while enrolled in a teacher education program;
- (hh) “**substitute teacher**” means a person who is brought into a school from time to time for short periods to replace a teacher;
- (ii) “**supervisory personnel**”, with respect to instructional and non-instructional personnel, includes the supervisory staff of education authorities designated by the Minister by a directive issued under subsection 3(2), after consultation with the education authorities;
- (jj) “**teacher**” means a person who holds a teacher’s license;
- (kk) “**teacher’s license**” means a valid and subsisting license to teach issued under section 99;
- (ll) “**temporary permit**” means a valid and subsisting temporary permit issued under section 100;
- (mm) “**Treasury Board**” means the Treasury Board constituted under subsection 8(1) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12.

Rights limited as reasonable in circumstances

- (2) The exercise of any right or the receipt of any benefit under this Act is subject to the limitations that are reasonable in each circumstance under which the right is being exercised or the benefit is being received.

Parent’s right vests in adult student

- (3) Where by or under this Act any authority or right is vested in, or any obligation is imposed on, a parent of a student, the authority, right or obligation shall, where the student is an independent student, be vested in or imposed on the student. *2016,c.6,s.1; 2019,c.1,s.3; 2022,c.58,s.1; 2023,c.20,s.2.*

PART II — RESPONSIBILITIES AND POWERS OF THE MINISTER

2. Administration

- (1) The Minister is responsible for the administration of this Act, for ensuring the provision of education services through the Department and the education authorities, and for overall leadership of the education system in the province.

Delegation

- (2) The Minister may delegate to employees of the Department any of the powers, responsibilities and functions of the Minister that the Minister considers advisable. *2016,c.6,s.2.*

3. Responsibilities

- (1) The Minister shall
- (a) determine the goals, standards, guidelines, policies and priorities applicable to the provision of education in Prince Edward Island;
 - (b) provide for the facilities and equipment that are necessary for the provision of education in Prince Edward Island;
 - (c) research and assess changing needs, trends and approaches in education and develop and implement strategic plans;
 - (d) provide leadership and coordination in developing curriculum, articulate curriculum standards and assess and evaluate programs at each level from kindergarten to grade 12;
 - (e) establish expected outcomes and standards of performance and assess the extent to which outcomes are achieved and standards are met;
 - (f) establish policies for the provision of special education services;
 - (g) establish rules respecting placement and the granting of credits for the purposes of section 28, and the granting of provincial certificates and diplomas for students enrolled in the English school system and the French school system or an education program approved by the Minister;
 - (h) establish the school calendar, subject to the regulations;
 - (i) establish an accountability framework for the English school system and French school system.

Powers

- (2) The Minister may
- (a) approve and establish courses of study, including the amount of instruction time;
 - (b) approve education programs and instructional material for use in the schools and education resource materials in support of education programs;
 - (c) prohibit, where the Minister considers it necessary, the use of education programs or instructional materials in schools;
 - (d) approve the conduct of pilot, experimental or local programs in schools;
 - (e) establish policies respecting education services that the Minister considers necessary;
 - (f) establish policies respecting the assessment and evaluation of students;
 - (g) establish policies respecting social and emotional learning;
 - (h) determine the number and type of positions in each education authority;
 - (i) after consultation with an education authority, designate specified instructional and non-instructional personnel of the education authority as supervisory personnel;
 - (j) take any action the Minister considers necessary for the purpose of carrying out the Minister's powers, responsibilities or functions under this Act.

Consultation

- (3) The Minister shall consult with an education authority on the substance of any proposed regulation that is expected or is likely to affect the operations of the education authority and

may, in writing, establish a date by which the education authority shall provide its comments to the Minister. *2016,c.6,s.3.*

4. Directives to school boards

- (1) The Minister may issue directives to the education authorities as the Minister considers necessary to carry out the Minister's powers, responsibilities and functions under this Act.

Directives of Minister to provide and coordinate education and administrative services

- (2) The Minister may, after consultation with an education authority, develop and issue directives respecting policies, guidelines and rules for the provision and coordination of education and administrative services by the education authority, with respect to
- (a) the administration of collective agreements;
 - (b) the roles and responsibilities of members of the education authority;
 - (c) the roles of principals and supervisory personnel of the education authority;
 - (d) recruitment, hiring procedures and mobility of education authority employees;
 - (e) performance evaluation procedures and criteria for all education authority employees;
 - (f) assessment and coordination of staff and leadership development needs;
 - (g) procedures and criteria for the evaluation of schools;
 - (h) the establishment of school attendance plans, including
 - (i) the establishment of school attendance zones, and
 - (ii) providing for the attendance of a student at or transfer to a school other than a school in the school attendance zone where the student resides;
 - (i) capital expenditure needs and priorities;
 - (j) utilization of education authority facilities, equipment and services;
 - (k) the making of agreements with governments;
 - (l) the development of combined or shared services for education authorities;
 - (m) the development of shared services and employment contracts between the Department and the education authority;
 - (n) the date by which the annual report of the education authority shall be provided to the Minister; and
 - (o) other matters that the Minister considers necessary in order to carry out the Minister's responsibilities under this Act.

Allocation between education authorities

- (3) The Minister may at any time issue directives to an education authority respecting
- (a) allocation of instructional and non-instructional personnel and employment contracts between the education authorities;
 - (b) the date by which the annual audited financial statements of an education authority shall be provided to the Minister; and
 - (c) any other matters that the Minister considers necessary to facilitate the operations of the education authorities. *2016,c.6,s.4.*

5. Minister's request for information

Despite any other provision of this Act, the Minister may request an education authority to provide, and the education authority shall provide, information respecting any matter related

to the administration and provision of elementary and secondary education in the province.
2016,c.6,s.5.

6. Annual report to Legislative Assembly

The Minister shall prepare an annual report and shall ensure that the report and the annual reports of each education authority are submitted to the Legislative Assembly during the next ensuing session. *2016,c.6,s.6.*

7. Teacher Certification and Standards Board

- (1) The Certification and Standards Board, established by the Minister in accordance with regulations under the former Act, is continued under the name Teacher Certification and Standards Board with the powers and duties set out in this section and the regulations.

Composition

- (1.1) The Teacher Certification and Standards Board shall be composed of
- (a) the following members appointed by the Minister:
 - (i) a director of the Department, who shall serve as chairperson,
 - (ii) another representative of the Department, who shall serve as vice-chairperson,
 - (iii) a representative of the Prince Edward Island Teachers' Federation,
 - (iv) two representatives of the French Language School Board,
 - (v) two representatives of the Public Schools Branch;
 - (b) the President of the Prince Edward Island Teachers' Federation;
 - (c) the Registrar, who shall serve as secretary and is a non-voting member; and
 - (d) the Deputy Registrar, who is a non-voting member.

Term of Office

- (1.2) The term of office of members appointed pursuant to clause (1.1)(a) is three years and those members may serve subsequent terms.

Quorum

- (1.3) The quorum of the Teacher Certification and Standards Board is five voting members, including
- (a) at least one representative of the Department;
 - (b) a representative from both the French Language School Board and the Public Schools Branch; and
 - (c) at least one representative of the Prince Edward Island Teachers' Federation.

Idem

- (2) The Teacher Certification and Standards Board shall, in accordance with the regulations, make recommendations to the Minister respecting
- (a) the standards and criteria for teacher's licenses;
 - (b) the standards and criteria for temporary permits; and
 - (c) the classes and categories of teacher's licenses and temporary permits and the qualifications required for each of those classes or categories. *2016,c.6,s.7; 2020,c.61,s.1.*

8. Advisory groups, committees

- (1) The Minister or the members of an education authority may establish any advisory groups or advisory committees that the Minister or the members of the education authority considers appropriate.

Transitional

- (2) to (4) Repealed by 2022,c.58,s.2(2). 2016,c.6,s.8; 2022,c.58,s.2.

9. Classes for those unable to attend schools

The Minister may establish and provide classes for those persons unable to attend schools established under this Act or may provide for the education of those persons in programs that the Minister considers advisable. 2016,c.6,s.9.

10. Minister's right to intervene in proceedings

The Minister has the right to appear and intervene and to be heard in any proceedings under this Act or in any proceedings involving the interpretation of this Act. 2016,c.6,s.10.

PART III — EDUCATION AUTHORITIES**11. French Language School Board continued**

- (1) The school board known as La Commission scolaire de langue française, or the French Language School Board, established pursuant to the former Act, is continued as a body corporate to administer the French school system with jurisdiction over the entire province.

English Language School Board

- (2) The school board known as the English Language School Board, established pursuant to the former Act, is continued as a body corporate under the name “Public Schools Branch” to administer the English school system with jurisdiction over the entire province.

Body corporate

- (3) Subject to the limitations contained in this Act and the regulations, an education authority is a body corporate with the powers granted to a body corporate by the *Companies Act R.S.P.E.I.* 1988, Cap. C-14. 2016,c.6,s.11.

12. Boards of trustees

- (1) The affairs of the French Language School Board and the Public Schools Branch shall be conducted by boards of trustees whose members are elected or appointed for each education authority in accordance with the regulations.

Regulations

- (2) The Lieutenant Governor in Council may, in respect of the French Language School Board and the Public Schools Branch, make regulations
- (a) establishing the number of trustees;
 - (b) prescribing the electoral zones for the election of trustees;
 - (c) respecting all aspects of trustee elections;
 - (d) respecting pecuniary interests on the part of, and remuneration of, trustees;

- (e) respecting qualifications required for a person to hold office as a trustee;
- (f) respecting the disqualification of a person serving as trustee;
- (g) prescribing the date for, and timing of, trustee elections;
- (h) prescribing terms for trustees;
- (i) respecting voter eligibility in a trustee election;
- (j) respecting the resignation of trustees;
- (k) providing for the Minister to appoint a trustee in the event of acclamation or a vacancy in a trustee position;
- (l) respecting the first meeting of the trustees;
- (m) respecting all aspects of meetings of the trustees; and
- (n) respecting the responsibilities of trustees.

Transition - Public Schools Branch

- (3) Notwithstanding subsections (1) and (2), the persons holding office as members of the board of directors of the Public Schools Branch immediately before the coming into force of this section shall continue to hold office as directors and are deemed to be members of that education authority until the date on which the first board of trustees of the Public Schools Branch that was elected or appointed in accordance with the regulations takes office. *2016, c.6, s.12; 2022, c.58, s.3.*

13. Public Schools Branch

Repealed by *2022, c.58, s.4. 2016, c.6, s.13; 2022, c.58, s.4.*

14. Quorum

- (1) The quorum of the members of an education authority is a majority of the trustees.

Quorum required

- (2) No act, resolution or proceeding of an education authority is binding unless it is adopted at a meeting at which a quorum is present.

Resolution valid

- (3) A policy, resolution or other proceeding of the members of an education authority shall not be quashed, set aside or declared invalid by reason only that a person sitting or voting as a member of the education authority
 - (a) is not qualified as a member of the education authority;
 - (b) was disqualified or not qualified at the time of the member's election or appointment;
 - (c) later ceased to possess the necessary qualifications; or
 - (d) otherwise became unqualified. *2016, c.6, s.14; 2022, c.58, s.5.*

15. Director

- (1) The members of each education authority shall appoint a Director who shall be the chief operating officer of the education authority.

Director's responsibilities

- (2) Subject to the direction of the members of the education authority the Director shall

- (a) exercise general supervision and management over the employees of the education authority;
- (b) be responsible for the operation of the schools in the system; and
- (c) fulfil the other responsibilities set out in this Act, in the regulations or assigned by the members of the education authority.

Director's contract

- (3) The contract of a Director of an education authority shall be a fixed-term contract made in accordance with the Minister's directive. *2016,c.6,s.15.; 2015,c.58,s.6*

16. Committees of education authority

The members of an education authority may establish committees of the education authority and shall record the composition, powers and responsibilities of each committee. *2016,c.6,s.16; 2022,c.58,s.7.*

17. Delegation by education authority

- (1) The members of an education authority may, by resolution and subject to subsections (2) and (3), authorize a member of the education authority, a committee of the education authority or an employee of the education authority to do any act or thing or exercise any power that the education authority may or is required to do or exercise.

Education authority not to delegate, when

- (2) The members of an education authority shall not delegate
 - (a) the power to make policies; or
 - (b) the power to close a school or a school building for more than 10 consecutive instructional days.

Idem

- (3) The power to hold a hearing under this Act shall not be delegated to an education authority employee or to a single member of the education authority. *2016,c.6,s.17; 2022,c.58,s.8.*

18. Management of schools and property

- (1) An education authority is responsible for the management of the schools in its system and for the custody, maintenance, repair and safe keeping of all real or personal property in use by the education authority.

Other uses of schools

- (2) An education authority may permit school premises to be used for any educational or other lawful purpose that the education authority considers proper.

Use of school buses, etc.

- (3) An education authority may permit school buses and other personal property in use by the education authority to be used for any educational or other lawful purpose in accordance with the regulations. *2016,c.6,s.18.*

19. Annual reports

Each education authority shall submit an annual report to the Minister in accordance with the Minister's directives. *2016,c.6,s.19.*

20. Powers, duties of education authority

- (1) An education authority has the powers and duties conferred on it by this Act and the regulations.

Responsibilities

- (2) An education authority has the following responsibilities:
- (a) to deliver the courses of study and education programs prescribed, approved or authorized pursuant to this Act to meet the needs of all students enrolled in a school operated by the education authority and to enable their success;
 - (b) to be accountable and provide assurances to students, parents, the community and the Minister for performance of duties and responsibilities conferred on the education authority by this Act and the regulations;
 - (c) ensure that each student enrolled at a school operated by the education authority and each staff member employed by the education authority is provided with a welcoming, caring, respectful and safe learning environment that respects diversity and a sense of belonging;
 - (d) to provide a continuum of specialized supports and services to students that is consistent with the principles of inclusive education;
 - (e) to collaborate with municipalities, the other education authority and community-based service agencies in order to effectively address the needs of all students and manage the use of public resources;
 - (f) to collaborate with post-secondary institutions and the community to enable smooth transitions for students from secondary to post-secondary education;
 - (g) to establish and maintain governance and organizational structures that promote student well-being and success;
 - (h) to ensure effective management of the education authority's resources;
 - (i) to recruit the Director and entrust the day-to-day management of the education authority to the staff through the Director;
 - (j) to comply with all applicable Acts and regulations;
 - (k) to establish appropriate dispute resolution processes;
 - (l) to carry out any other responsibility that is prescribed by regulation.

Idem

- (3) In addition to the responsibilities specified in subsection (2), the French Language School Board may
- (a) promote and distribute information about French first language instruction in the province; and
 - (b) promote French language and culture in connection with its responsibility to deliver the courses of study and education programs approved or authorized pursuant to this Act. *2016, c.6, s.20.*

21. Education authority policies

The members of an education authority may, in exercising their powers and carrying out their responsibilities and duties under this Act and the regulations, establish policies for the effective operation of its school system. *2016, c.6, s.21; 2022, c.58, s.9; 2022, c.58, s.9.*

22. Inspection

- (1) Any person may, at any reasonable time, inspect any one or more of the following items:
- (a) the agenda, minutes and resolutions of any public meeting of the members of an education authority;
 - (b) policies established by the members of an education authority;
 - (c) budgets recommended by the members of an education authority;
 - (d) financial statements of the members of an education authority.

Exception

- (2) Student records and contracts with or records of individual employees are confidential and are not available for inspection under this section. *2016,c.6,s.22; 2022,c.58,s.10.*

23. Admission of students to schools

- (1) An education authority shall admit students to schools in its system in accordance with this Act and the regulations.

Placement of students

- (2) An education authority shall determine the placement of students in the various classes and schools in accordance with the students' needs, their educational attainments, the facilities of the system and any school attendance plan currently in effect in the system.

Kindergarten

- (3) For the purposes of placement, kindergarten shall be the first level of education provided in schools. *2016,c.6,s.23.*

24. Enrolment in English school system

A parent may enrol the parent's school-aged child in the English school system in accordance with the regulations. *2016,c.6,s.24; 2022,c.58,s.11.*

25. Enrolment in French school system

An eligible parent may enrol the parent's school-aged child in the French school system in accordance with the regulations. *2016,c.6,s.25; 2022,c.58,s.11.*

26. Non-eligible parent

- (1) Subject to the approval of the French Language School Board, a parent who is not an eligible parent may apply to the French Language School Board, in accordance with the regulations, to enrol the parent's school-aged child in the French school system.

Regulations re French school system

- (2) The Lieutenant Governor in Council may make regulations, in addition to the regulations under section 107, with respect to the French school system and, in particular,
- (a) providing for the provision and administration of French first language instruction in the province;
 - (b) respecting the process by which a parent, other than an eligible parent, may enrol the parent's school-aged child in the French school system; and
 - (c) respecting the determination of demand for French first language instruction in the province. *2016,c.6,s.26; 2022,c.58,s.11.*

27. Transfer between school systems

- (1) Subject to this Act and the regulations, a student may transfer between the English school system and the French school system.

Regulations

- (2) The Lieutenant Governor in Council may make regulations
- (a) establishing procedures for the transfer of students between the English school system and the French school system;
 - (b) respecting the eligibility of a student to be enrolled in a French immersion program; and
 - (c) respecting the terms or conditions on which a student from the French school system may be enrolled in a French immersion program. *2016,c.6,s.27.*

28. Recognition of educational activities not provided by education authority

Subject to a directive of the Minister, an education authority may recognize for the purposes of placement or grant credit for

- (a) educational activities provided through a home education program; or
- (b) other educational activities not provided by the education authority. *2016,c.6,s.28.*

29. Attendance of students

An education authority shall regulate the attendance of students and is responsible for the enforcement of the attendance provisions of this Act. *2016,c.6,s.29.*

30. Disturbances on school premises

- (1) Any person who creates or attempts to create a disturbance on school premises may be excluded from the premises by any staff person of the school.

Exception

- (2) Subsection (1) does not apply during school hours to a student enrolled in that school who is not suspended or expelled from that school. *2016,c.6,s.30.*

31. Practice teaching

Where an education authority receives a request from a teacher training institution for permission for student teachers to practise and observe teaching, the education authority may permit student teachers enrolled at that institution to have reasonable access to classrooms in accordance with education authority policies and procedures respecting practice teaching. *2016,c.6,s.31.*

32. Permanent closure of schools

- (1) Subject to the regulations and with the prior approval of the Lieutenant Governor in Council, an education authority may close a school permanently.

Temporary closure

- (2) Subject to the regulations, an education authority may close a school for a specified period. *2016,c.6,s.32.*

33. Employment and management of personnel

- (1) Subject to this Act and the regulations and the Minister's directives, an education authority may employ and is responsible for the management of instructional and non-instructional personnel.

Competitions

- (2) Employees of an education authority and of the Department are eligible to compete for education authority positions.

Terms and conditions of employment

- (3) An education authority may specify terms and conditions of employment for instructional personnel and non-instructional personnel that do not conflict with this Act or the regulations or a current collective agreement between the Agency and the respective authorized representatives for instructional personnel and non-instructional personnel. *2016,c.6,s.33.*

34. Contracts

Each education authority shall enter into contracts with its employees in accordance with this Act and the regulations. *2016,c.6,s.34.*

35. Sabbatical leaves for instructional personnel

An education authority may grant sabbatical leaves to instructional personnel in accordance with the regulations. *2016,c.6,s.35.*

36. Member of education authority, officer or employee, reference to

- (1) In this section a reference to a member of an education authority or an officer or employee of an education authority includes a former member, officer or employee of an education authority.

No action for performance of responsibilities

- (2) No action for damages lies or shall be instituted against an education authority or a member, officer or employee of an education authority for anything said or done or omitted to be said or done by that person in the performance or intended performance of responsibilities or in the exercise of a power or for any alleged neglect or default in the performance or intended performance of the responsibility or exercise of the power under this Act.

Exceptions

- (3) Subsection (2) does not provide a defence to an action for damages if
- (a) the education authority or the member, officer or employee has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct;
 - (b) the cause of action is libel or slander; or
 - (c) the cause of action arises from a relationship of employer and employee and that employment relationship is not covered by a collective agreement. *2016,c.6,s.36.*

37. Indemnification of member of education authority

- (1) An education authority, in accordance with a policy adopted by the education authority, may indemnify a member, officer or employee of the education authority

- (a) against a claim for damages against the member, an officer or employee arising out of that person's responsibilities for or on behalf of the education authority; or
- (b) in respect of an inquiry under the *Public Inquiries Act* R.S.P.E.I. 1988, Cap. P-31, or other proceeding that involves the administration and conduct of the business of the education authority.

Includes costs and fees

- (2) Indemnification under subsection (1) may include costs and fees necessarily incurred in proceedings arising out of the claim or inquiry or other proceedings.

Indemnify where prosecution

- (3) An education authority may by a majority vote indemnify a member, officer or employee of the education authority for the costs and fees necessarily incurred where a prosecution arises out of the performance of that person's education authority responsibilities.

Education authority not indemnified

- (4) An education authority shall not seek indemnity against a member, officer or employee of the education authority in respect of any action of the member, officer or employee of the education authority, except
 - (a) where the claim for damages against the education authority arises out of the gross negligence of the member, officer or employee; or
 - (b) where, in relation to the action that gave rise to the claim for damages against an officer or employee, the officer or employee wilfully acted contrary to the terms of that person's employment or to an order of a superior. *2016,c.6,s.37.*

38. Inquiry into administration

- (1) The Minister may, in respect of an education authority, appoint a person to inquire into, examine and inspect
 - (a) its financial condition;
 - (b) its administrative condition; or
 - (c) any other matter connected with the management, administration or operation of the education authority, including the actions of its members.

Examination of documents and attendance of meetings

- (2) A person appointed under subsection (1)
 - (a) may examine and take copies of
 - (i) all records and accounts,
 - (ii) all bank records, and
 - (iii) any other documents or things,of the education authority; and
 - (b) may attend any meeting of the education authority and shall not be excluded from that meeting.

Idem

- (3) The records, documents and things referred to in subsection (2) shall be made available to the person appointed by the Minister at the time the person requests them from the person who has custody of them.

Power

- (4) Where the Minister so provides, a person appointed under subsection (1) has all the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act*.

Report and order

- (5) A person appointed under subsection (1) shall report to the Minister on the examination and, on receipt of the report, the Minister may make any order to the education authority that the Minister considers appropriate.

Minister's order

- (6) The Minister may, on receipt of a report made under subsection (5), make any order to any member of the education authority that the Minister considers appropriate.

Failure to comply with order

- (7) Where a member of the education authority fails to comply with an order of the Minister made under subsection (6), the Minister may, by order, vacate the member's position on the education authority. *2016, c.6, s.38.*

39. Official trustee

- (1) The Minister may in the public interest, at any time, appoint an official trustee to conduct the affairs of an education authority, subject to any terms and conditions the Minister considers necessary, including, without limiting the foregoing, when
- (a) the education authority is not acting in the best interests of its students or is operating in a way that jeopardizes the education of its students; or
 - (b) the education authority fails to comply with an order made under subsection 38(5).

Powers and duties, remuneration

- (2) An official trustee appointed under subsection (1) to conduct the affairs of an education authority
- (a) has the powers and duties conferred by this Act on the education authority;
 - (b) shall be remunerated out of the funds of the education authority or otherwise as the Lieutenant Governor in Council determines; and
 - (c) with the prior approval of the Lieutenant Governor in Council, has the power, on behalf of the education authority, to borrow money.

Trustees cease to hold office

- (3) On the appointment of an official trustee for an education authority, the members of the education authority whose terms have not expired cease to hold office as members of that education authority.

No term past next election

- (4) An official trustee shall hold office for the term specified by the Minister under subsection (1), at the pleasure of the Minister, but shall not hold office past the date the next board of trustees is to take office following the next education authority election held in accordance with the regulations.

Effect of appointment

- (5) The appointment of an official trustee under subsection (1) does not affect the status of the education authority under section 11 of this Act.

No action

- (6) No action for damages lies or shall be instituted against an official trustee appointed under subsection (1) for anything said or done or omitted to be said or done by that person in the performance or intended performance of responsibilities or in the exercise of a power or for any alleged neglect or default in the performance or intended performance of the responsibility or exercise of the power under this Act.

Exception

- (7) Subsection (6) does not provide a defence to an action for damages if
- (a) the official trustee has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct; or
 - (b) the cause of action is libel or slander. *2016,c.6,s.39; 2022,c.58,s.12*

PART IV — SCHOOL COUNCILS AND HOME AND SCHOOL ASSOCIATIONS

40. School council or home and school association

- (1) Parents of students attending a school may establish a school council or a home and school association for the school.

Members

- (2) The majority of the members of the school council or home and school association of a school shall be parents of students attending that school.

Procedures and policies

- (3) The school council or home and school association shall determine its own procedures and policies. *2016,c.6,s.40.*

41. Functions

The functions of a school council or home and school association are

- (a) to provide feedback and information to the principal on various matters related to school operations and administration, including the following:
 - (i) scheduling, calendar for that school, school opening and closing hours, noon-hour policies, timing of exams and other events,
 - (ii) extracurricular activities, field trips, winter carnival, dances,
 - (iii) student discipline and behaviour management approaches,
 - (iv) fundraising,
 - (v) community access to school premises,
 - (vi) school-based services including social, health, and nutrition services,
 - (vii) parent-school communications and parental access to information about their children,
 - (viii) any other matters that have a significant impact on the day-to-day life or financial resources of the families of students or the quality of life of the students in the school;
- (b) to provide a channel of communication between school staff and parents, and between the school and community;

- (c) to build awareness among parents of school programs, activities, and issues;
- (d) to advise, if required by the education authority, with respect to the development of the school effectiveness plan;
- (e) to advise, if requested by the education authority, with respect to the selection of a principal for the school;
- (f) repealed by 2022,c.58,s.13. 2016,c.6,s.41; 2022,c.58,s.13.

PART V — STUDENTS AND PARENTS

42. Right to access to education

- (1) Every person is entitled to have access to the education program in a school operated by an education authority in accordance with this Act and the regulations if the person
 - (a) on or before December 31 of the school year, has attained the age of five years and is younger than 20 years of age;
 - (b) is a resident of the province;
 - (c) has not graduated from high school; and
 - (d) is a Canadian citizen or is a child of a Canadian citizen, or is lawfully admitted to Canada for temporary or permanent residence or is a child of a person lawfully admitted on that basis.

Extension

- (2) Where a person who is entitled to have access to the education program under subsection (1) attains the age of 20 years before the end of a school year, the person's entitlement to have access to the education program is extended to the end of the school year provided that the student continues to meet the requirements of clauses (1)(b) and (d).

Continued access

- (3) An education authority may, on request, permit a person who has graduated from high school to continue to have access to the education program provided by the education authority until the end of the school year following the person's year of graduation if the person continues to meet the requirements of clauses (1)(a), (b) and (d). 2016,c.6,s.42.

43. Resident in the province

For the purposes of section 42, a person is a resident of the province if the person

- (a) is living with a parent whose primary domicile is in the province; or
- (b) is an independent student whose primary domicile is in the province. 2016,c.6,s.43; 2022,c.58,s.14.

44. No fee

- (1) An education authority shall not charge a person enrolled in its school system who meets the requirements of section 42 a fee for the following from kindergarten through grade 12:
 - (a) educational instruction;
 - (b) transportation to and from the school in which the student is enrolled, other than transportation related to a school-sponsored activity;
 - (c) the use of textbooks authorized by the Minister.

Fees for other persons

- (2) Despite subsection (1), a person who has graduated from high school or is 20 years of age or older and who enrolls in a course offered by an education authority during the months of July and August shall be required to pay a tuition fee in the amount prescribed by regulation.

Idem

- (3) Despite subsection (1), a person whose education is the subject of an Education Service Agreement shall be required to pay a tuition fee, in the amount set out in the Education Service Agreement that applies to the person or prescribed by regulation. *2016,c.6,s.44.*

45. Not a resident student

- (1) Subject to subsection (2), an education authority shall charge a tuition fee for enrolment of a person in a school operated by the education authority if the person does not meet the requirements of section 42, in the amount set out in an Education Service Agreement that applies to the person or prescribed by regulation.

Exception – exchange student

- (2) Subsection (1) does not apply to the enrolment of a person who is participating in an exchange student program approved by the education authority. *2016,c.6,s.45.*

46. Person of compulsory school age

- (1) In this section, “person of compulsory school age” means a person from six to 16 years of age, and includes a person who will attain the age of six on or before December 31 of the school year.

Compulsory attendance at school

- (2) Subject to sections 47, 51 and 54, every person of compulsory school age who has a right under section 42 to have access to the education program in a school and has not graduated from high school shall attend school or an education program provided by an education authority.

Duty of parent

- (3) A parent of a person referred to in subsection (1) shall ensure, to the best of the parent’s ability, that the person attends a school or an education program provided by an education authority.

Exception

- (4) This section does not apply if the person referred to in subsection (1)
- (a) attends a private school that is authorized under an Act to operate in the province;
 - (b) is being provided with a home education program referred to in section 95; or
 - (c) attends an education program authorized by the Minister. *2016,c.6,s.46; 2022,c.58,s.15.*

47. Student excused from attending

A student is excused from attending a school on an instructional day if

- (a) the student is unable to attend because of illness or for another reason which has been reported to and approved by the principal of the school;
- (b) the day is recognized as a religious holiday by the religious denomination to which the student belongs; or

- (c) the student is not required to attend a school pursuant to subsection 46(4). *2016,c.6,s.47.*

48. Frequent absence from school

- (1) Where it appears to the principal of any school that a student is frequently absent from school without satisfactory explanation, the principal shall report the matter to the Director.

Director investigates

- (2) On receipt of a report under this section, the Director shall investigate the report and take the action that may be required by the regulations. *2016,c.6,s.48.*

49. Student responsibilities

A student enrolled in a school has the following responsibilities:

- (a) to attend school regularly and punctually;
- (b) to be ready to learn and actively engage in and diligently pursue the student's education;
- (c) to ensure that the student's conduct contributes to a welcoming, caring, respectful and safe learning environment;
- (d) to respect the rights of others in the school;
- (e) to refrain from, report and not tolerate bullying or bullying behaviour directed toward others in the school, whether or not it occurs on the school premises, during the instructional day or by electronic means;
- (f) to comply with the rules of the school and the policies of the education authority;
- (g) to co-operate with everyone authorized by the education authority to provide education programs and other services;
- (h) to be accountable to the student's teachers and other school staff for the student's conduct;
- (i) to contribute positively to the student's school community. *2016,c.6,s.49.*

50. Corporal punishment prohibited

- (1) The manner in which a student is disciplined while attending school or school-sponsored activities shall be similar to the discipline administered by a kind, firm and judicious parent, but shall not include corporal punishment.

Reasonable restraint where danger

- (2) Subsection (1) does not preclude reasonable action by a school staff member to restrain a student who is creating an immediate danger to the student or to others or is creating significant damage to property. *2016,c.6,s.50.*

51. Suspension of student

- (1) Subject to the policy of an education authority respecting student suspensions,
- (a) a teacher may suspend a student for a period not exceeding one half day;
 - (b) a principal may, for a period not exceeding five consecutive instructional days, place conditions on a student in respect of
 - (i) attending one or more class periods,
 - (ii) attending one or more courses or school programs,

- (iii) riding on a school bus,
 - (iv) participating in a school-sponsored activity, or
 - (v) attending school, or any or all school activities;
- (c) a principal may, for a period not exceeding five consecutive instructional days, suspend a student, with or without conditions, from doing anything described in subclauses (b)(i) to (v);
- (d) a Director may place conditions on a student in respect of
- (i) attending one or more class periods,
 - (ii) attending one or more courses or school programs,
 - (iii) riding on a school bus,
 - (iv) participating in a school-sponsored activity, or
 - (v) attending any school, or any or all school activities; and
- (e) a Director may suspend a student, with or without conditions, from doing anything described in subclauses (d)(i) to (v).

Term of suspension

- (2) A Director may suspend a student under clause (1)(e) for any period after April 30 that continues until the end of the school year, and that suspension shall not be considered to be an expulsion of the student.

Duty and powers of principal

- (3) A principal
- (a) shall report the circumstances pertaining to the placement of conditions on, or the suspension of, a student under clause (1)(b) or (c) to a parent of the student in accordance with the regulations;
 - (b) may revoke the conditions placed on a student under clause (1)(b) at any time while the conditions are in place; and
 - (c) may reinstate a student suspended under clause (1)(c) at any time during the period of the suspension.

Report to parents

- (4) Where a Director is considering the suspension of a student under clause (1)(e) for a period of more than five consecutive instructional days, the Director shall provide notice to a parent of the student, and the Director
- (a) may arrange a meeting with the student;
 - (b) may arrange a meeting with the student and a parent of the student; or
 - (c) shall arrange a meeting with the student and a parent of the student, at the parent's request.

Report

- (5) Where a Director places conditions on a student under clause (1)(d) or orders the suspension of a student under clause (1)(e) for a period of more than five consecutive instructional days, the Director shall report the imposition of the conditions or the suspension, as the case may be, to the members of the education authority and to a parent of the student in accordance with the regulations.

Director may revoke conditions or reinstate suspension

- (6) A Director
- (a) may revoke the conditions placed on a student under clause (1)(d) at any time while the conditions are in place; and
 - (b) may reinstate a student suspended under clause (1)(e) at any time during the period of the suspension.

Loss of access to education program

- (7) A student who has been suspended under this section has, for the period of the suspension, lost the right to have access to the education program of an education authority under section 42. *2016,c.6,s.51; 2022,c.58,s.16.*

52. Transfer of suspended student

Where a student attending a school

- (a) is suspended under section 51; and
- (b) transfers to a school operated by another education authority before the expiry of the period of the suspension,

the Director of the education authority to which the student has transferred shall, on a review of the circumstances pertaining to the suspension of the student in the other education authority, decide whether to continue the suspension of the student under section 51, vary the terms of the suspension or revoke the suspension. *2016,c.6,s.52.*

53. Appointment of hearing committee

- (1) For the purpose of hearing a matter under section 54 or 55, the members of an education authority shall appoint members to a hearing committee in accordance with subsection (2).

Membership

- (2) A hearing committee shall consist of not fewer than three members, one of whom may be designated by the appointing authority as the chairperson of the committee.

Term

- (3) Repealed by 2022,c.58,s.17.

Right to be heard

- (4) The student and a parent of the student have the right to be heard at a hearing under section 54 or 55. *2016,c.6,s.53; 2022,c.58,s.17.*

54. Expulsion

- (1) The Director of an education authority may expel a student in accordance with this Act and the regulations.

Hearing

- (2) Where the Director of an education authority is considering an expulsion, the hearing committee of the education authority shall, in accordance with the regulations, hold a hearing and make a decision respecting the expulsion.

Loss of access to education program

- (3) A student who has been expelled from school has, for the period of expulsion, lost the right to have access to the education program of an education authority under section 42. *2016,c.6,s.54; 2022,c.58,s.18.*

55. Significant decision affecting student

- (1) Where a decision of an employee of an education authority significantly affects the education, health or safety of a student, a parent of the student may appeal the decision to the hearing committee of the education authority in accordance with the regulations.

Includes failure, refusal to make decision

- (2) For the purposes of this section, a decision of an employee of an education authority from which an appeal may be taken includes a failure or refusal to make a decision.

Hearing committee to hear appeal

- (3) Where the decision under appeal pertains to
- (a) the suspension of a student under section 51;
 - (b) any conditions imposed on a student under section 51, whether imposed as part of a suspension or not; or
 - (c) a decision of an employee of an education authority that significantly affects the education, health or safety of a student,

the hearing committee of the education authority shall hear the appeal.

Authority of appeal committee

- (4) The hearing committee of the education authority may, after hearing the appeal,
- (a) where the hearing is in respect of a matter referred to in clause (3)(a) or (b),
 - (i) confirm the suspension,
 - (ii) increase or decrease the period of suspension,
 - (iii) terminate the remaining period of suspension,
 - (iv) impose additional conditions on the student,
 - (v) vary conditions already imposed on the student, or
 - (vi) terminate any conditions that remain in effect; or
 - (b) where the hearing is in respect of a matter referred to in clause (3)(c),
 - (i) confirm the decision of the employee, or
 - (ii) substitute its own decision in place of the decision appealed from.

Reasons for decision

- (5) The hearing committee of the education authority shall give written reasons for its decision, within 10 days of the hearing, to
- (a) the student and the parent of the student; and
 - (b) the person whose decision was appealed.

Decision final

- (6) The decision of the hearing committee of the education authority on the appeal is final and binding on the student and the student's parent and shall not be appealed. *2016,c.6,s.55.*

56. Liability for property damage

- (1) Where property managed by an education authority or owned by a government department or other publicly funded agency is destroyed, damaged, lost or converted by the intentional or negligent act of a student, the student and the student's parents are jointly and severally liable to the education authority or to the government department or publicly funded agency with respect to the act of the student.

Not applicable to parent of independent student

- (2) Subsection (1) does not apply to the parent of an independent student. *2016,c.6,s.56.*

57. Parent to be informed

- (1) A parent of a student attending a school is entitled to be informed of the student's attendance, behaviour and progress in the school.

Parent's responsibilities

- (2) A parent of a student enrolled in a school has the responsibility
- (a) to act as the primary guide and decision-maker with respect to the student's education;
 - (b) to take an active role in the student's educational success, including assisting the student in complying with section 49;
 - (c) to ensure that the student attends school regularly;
 - (d) to ensure that the parent's conduct contributes to a welcoming, caring, respectful and safe learning environment;
 - (e) to co-operate and collaborate with school staff to support the delivery of specialized supports and services to the student;
 - (f) to encourage, foster and advance collaborative, positive and respectful relationships with teachers, principals, other school staff and professionals providing supports and services in the school; and
 - (g) to engage in the student's school community. *2016,c.6,s.57.*

58. Student records

- (1) An education authority shall ensure that each school under its jurisdiction establishes and maintains, for the prescribed period, a record for each student enrolled at the school.

Procedures

- (2) Subject to the regulations, an education authority shall establish written procedures respecting the storage, retrieval and appropriate use of student records.

Property

- (3) Student records are the property of the education authority.

Disclosure requirements

- (4) No person shall knowingly disclose to any person any information from a student record that identifies a student, unless the disclosure complies with the regulations and is
- (a) made with the written consent of
 - (i) the student's parent, or
 - (ii) in the case of an independent student, the student;

- (b) made to an employee of an education authority or another person consulting with or providing services, assessment or advice regarding the student to the student's teacher or principal, the education authority or an educational institution;
- (c) approved by the student's principal or the Director for release to an educational institution, an individual or organization that
 - (i) is considering acceptance or placement of the student in one of its programs, or
 - (ii) provides scholarships, bursaries or services to a student;
- (d) authorized by the Director if the Director believes on reasonable grounds that the disclosure will avert or minimize an imminent danger to the health or safety of any person;
- (e) made to the Director of Child Protection for the purposes of an investigation under the *Child Protection Act*;
- (f) made to a police or corrections agency;
- (g) required by or under an enactment of the province or of Canada;
- (h) required by a court order; or
- (i) necessary for a research purpose, including statistical research, of the Department, an education authority or the Government of Canada, or any of them, in accordance with clauses 39(a) to (d) of the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01.

Minister

- (5) Despite subsections (3) and (4), the Minister and employees of the Department
 - (a) shall have access to information contained in the student records of education authorities;
 - (b) may compile and maintain student records; and
 - (c) shall not disclose information from student records except in the manner provided by subsection (4).

Offence

- (6) Every person who fails to comply with subsection (4) is guilty of an offence and is liable on summary conviction to the penalties set out in section 106. *2016,c.6,s.58; 2022,c.74,s.1.*

59. Not contrary to *Youth Criminal Justice Act (Canada)* or *Youth Justice Act*

Nothing in this Act authorizes the release of information from any record kept under this Act to any person in a manner contrary to the *Youth Criminal Justice Act (Canada)* or the *Youth Justice Act* R.S.P.E.I. 1988, Cap. Y-3. *2016,c.6,s.59.*

60. Parent may examine student record

- (1) Subject to section 61, a parent may, in accordance with the regulations, examine the student records kept by a school or an education authority respecting the child of that parent.

Person 16 or older may examine own records

- (2) A person who is at least 16 years of age may, in accordance with the regulations, examine the student records kept by a school or an education authority respecting that person. *2016,c.6,s.60.*

61. Parent's rights abrogated, where

Despite any other provision of this Act, any rights given to a parent do not apply to a parent who is prohibited from access to a student

- (a) by any court order made or recognized in Prince Edward Island; or
- (b) by the Director of Child Protection, if the student is in the care of the Director of Child Protection. *2016,c.6,s.61.*

PART VI — INSTRUCTIONAL PERSONNEL**62. Hiring**

An education authority may hire instructional personnel in accordance with the regulations. *2016,c.6,s.62.*

63. Credit time served

An education authority shall credit time served by instructional personnel employed with another education authority in accordance with the regulations. *2016,c.6,s.63.*

64. Termination

The employment of a person employed as instructional personnel may be terminated

- (a) by agreement between the education authority and the employee;
- (b) in accordance with a termination date specified in the employment contract or this Act;
- (c) where the employee is employed under a permanent contract, at the end of the school year, by the employee giving written notice to the education authority not later than April 30;
- (d) in accordance with section 66; or
- (e) at any time by the education authority for cause or for unsatisfactory service. *2016,c.6,s.64.*

65. Fixed-term contract

- (1) A fixed-term contract for a person employed as instructional personnel terminates on June 30 in the school year in which the person is employed or on the date specified in the contract, whichever is earlier.

Probationary contract

- (2) A probationary contract for a person employed as instructional personnel terminates on June 30 in the school year in which the person is employed.

No right of action

- (3) No action or proceeding for damages or other loss or grievance may be brought against an education authority for the termination of employment of instructional personnel in accordance with subsection (1) or (2). *2016,c.6,s.65.*

66. Termination of contract

Despite any other provision of this Act, where an education authority determines that the number of instructional personnel required in the system is less than the number of instructional personnel employed by the education authority, the education authority may terminate the employment of a member of its instructional personnel who is employed under a permanent contract at the end of the school year by notice in writing served on the employee personally or sent by registered mail not later than April 30. *2016,c.6,s.66.*

67. Teacher's license

- (1) An education authority shall not employ a person as a teacher unless the person holds a teacher's license.

Substitute teacher

- (2) An education authority shall not employ a person as a substitute teacher unless the person
- (a) holds a teacher's license; or
 - (b) holds a temporary permit. *2016,c.6,s.67.*

68. Suspension for cause

- (1) An education authority may suspend a member of its instructional personnel at any time for cause or for unsatisfactory service.

Suspension by Director

- (2) The Director shall suspend a member of the instructional personnel of the education authority, with pay, if the Director is satisfied that
- (a) the welfare or safety of students, staff or other persons at the school is threatened by the presence in the school of the person; or
 - (b) time is required to investigate a possible disciplinary matter involving the person.

Notice to Registrar

- (3) An education authority that employs or employed a person who is suspended or terminated shall notify the Registrar in writing of the suspension or termination and the reasons for it within 15 days of the suspension or termination, as the case may be, where
- (a) the person has been suspended under subsection (2) by a Director;
 - (b) the person has been suspended for cause or for unsatisfactory service under subsection (1) by an education authority; or
 - (c) the person's contract has been terminated for cause or for unsatisfactory service.

Report to Registrar

- (4) An education authority shall send a written report to the Registrar respecting the resignation, retirement or absence on leave or for other reasons of a teacher if, in the opinion of the education authority, the resignation, retirement or absence may be related to the suitability of the teacher to hold a teacher's license, including concerns about the safety of children or other persons. *2016,c.6,s.68; 2022,c.58,s.19.*

69. Supervisor must have teacher's license

An education authority shall not employ a person to supervise instructional personnel unless the person holds a teacher's license. *2016,c.6,s.69.*

70. Effect on status

A person who is employed by an education authority as a member of its supervisory personnel, with respect to instructional personnel,

- (a) is deemed to hold a permanent contract for instructional personnel; and
- (b) has the same right as other instructional personnel employed under a permanent contract to be placed in a teaching position in a school operated by the education authority, unless the person's contract has been terminated for cause or for unsatisfactory service. *2016,c.6,s.70.*

71. Responsibilities of teachers

Every teacher shall, in accordance with this Act, the regulations, the teacher's contract of employment and the collective agreement,

- (a) teach the education programs that are prescribed, approved or authorized pursuant to this Act and assigned to the teacher by the principal or the education authority;
- (b) encourage students in the pursuit of learning;
- (c) consult with parents when necessary and encourage parents to co-operate with and encourage their children's participation in school programs and activities;
- (d) assist in developing co-operation and co-ordination of effort among staff members of the school;
- (e) maintain, under the direction of the principal, order and discipline in the school, on school premises and during school-sponsored activities;
- (f) attend to the health, comfort and safety of students under the teacher's supervision;
- (g) immediately report to the principal the possibility that a student has a regulated disease;
- (h) conduct classes and carry out such other responsibilities as are assigned to the teacher by the principal or by the education authority;
- (i) keep up to date on the content and pedagogy of the fields in which the teacher teaches, including current methods of assessment for learning;
- (j) deliver class attendance and other records, the school key and other school property in the teacher's possession to the education authority on demand, or when the teacher's employment ceases for any reason; and
- (k) work towards the implementation and achievement of the goals in the school effectiveness plan. *2016,c.6,s.71; 2022,c.58,s.20.*

72. Responsibilities of student teacher

A student teacher who is practice teaching in a school has the same responsibility as a teacher with respect to the matters specified in clauses 71(a), (b), (e) and (f). *2016,c.6,s.72.*

73. Responsibilities of substitute teacher

A substitute teacher has the same responsibilities as a teacher. *2016,c.6,s.73.*

74. Responsibilities of principals

The principal of a school shall, subject to the Minister's directives and the policies of the education authority,

- (a) be responsible for the school to which the principal is assigned by the education authority;
- (b) provide educational leadership in the school;
- (c) ensure that the instruction provided by teachers employed at the school is consistent with the courses of study and education programs prescribed, approved or authorized pursuant to this Act;
- (d) perform the supervisory, management and other duties required or assigned by the Director or the education authority;
- (e) evaluate or make provision for the evaluation of teachers under the principal's supervision and report to the Director respecting the evaluation;
- (f) perform teaching duties as assigned by the education authority;
- (g) maintain proper order and discipline in the school and on the school premises and during school-sponsored activities;
- (h) foster co-operation and co-ordination of effort among staff members of the school;
- (i) ensure records are maintained in respect of each student enrolled in the school in accordance with the regulations and education authority policy;
- (j) ensure that teachers conduct appropriate assessments to determine the progress and promotion of students, as required by the Minister or the education authority;
- (k) shall, after consulting with teachers, promote the students that the principal considers deserve promotion and issue to students the statements, report cards or certificates that are appropriate;
- (l) report to the Director or to the education authority as required on matters concerning the school;
- (m) attend to the health, comfort and safety of the students;
- (n) encourage the establishment of and consult the school council or home and school association on matters relevant to its functions;
- (o) initiate the development of a school effectiveness plan; and
- (p) work with school staff to implement and achieve the goals set out in the school effectiveness plan. *2016,c.6,s.74.*

PART VII — LABOUR RELATIONS

75. Education Negotiating Agency

- (1) The Education Negotiating Agency established pursuant to the former Act is continued, and is composed of representatives of the Minister, Treasury Board and the education authorities, appointed in accordance with the regulations.

Function

- (2) Subject to sections 3, 4 and 77, the Agency is responsible for conducting collective bargaining governing employment of all instructional and non-instructional personnel, except supervisory personnel.

Approval of Treasury Board

- (3) The Agency shall not make an offer having financial implications without the prior approval of Treasury Board. *2016,c.6,s.75.*

76. Salary scales and benefits

- (1) Salary scales and other benefits for instructional personnel and non-instructional personnel, other than supervisory personnel, shall be negotiated by the Agency and their respective authorized representatives.

Establishment by Minister

- (2) The Minister, after consultation with the education authorities, with the approval of Treasury Board, shall establish salary scales, benefits and terms and conditions of employment for all supervisory personnel, except those supervisory personnel who are deemed to be employed in the civil service of the province pursuant to this Act. *2016,c.6,s.76.*

77. Signatories

- (1) The Agency and the authorized representatives for the instructional and non-instructional personnel shall be signatories to their respective collective agreements.

Collective agreement

- (2) Where the Agency enters into a collective agreement with the authorized representative for instructional or non-instructional personnel, the agreement is binding on the education authorities, the Agency, the Minister and Treasury Board, and on each employee represented by the authorized representative.

Enforcement

- (3) A collective agreement under this Part is enforceable by the Minister, the education authorities and the authorized representative. *2016,c.6,s.77.*

78. Arbitration Act does not apply

The *Arbitration Act* R.S.P.E.I. 1988, Cap. A-16.1, does not apply to proceedings before a grievance review board established under a collective agreement made under this Act. *2016,c.6,s.78; 2023,c.15,s.75.*

79. Payment only as specified

Each education authority shall pay instructional, non-instructional and supervisory personnel only

- (a) with respect to instructional personnel and non-instructional personnel, and supervisory personnel other than those referred to in clause (b), those amounts specified in the salary scales and benefits referred to in section 76; or
- (b) with respect to supervisory personnel who are deemed to be employed in the civil service of the province pursuant to this Act, those amounts specified in the salary scales and benefits specified under the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8. *2016,c.6,s.79.*

80. Employment status

- (1) Subject to this section, a person who

- (a) is employed as supervisory personnel by an education authority specified in an order of the Minister; and
- (b) holds a position or has duties at the education authority of a type or class specified in an order of the Minister,

is a member of the civil service of the province and subject to the *Civil Service Act*.

Idem

- (2) A person referred to in subsection (1) who holds a permanent position is deemed to hold a classified position in the civil service as an excluded employee of a type specified in clause 43(2)(g) of the *Civil Service Act*.

Teacher not a member

- (3) For the purposes of subclause 1(1)(w)(ii) of the *Teachers' Pension Plan Act* R.S.P.E.I. 1988, Cap. T-.01, a person referred to in subsection (1) who is a teacher is deemed not to be a member under the *Public Sector Pension Plan Act* R.S.P.E.I. 1988, Cap. P-32.11.

Idem

- (4) For the purposes of subclause 1(1)(w)(iii) of the *Teachers' Pension Plan Act*, a person who is employed by the Department in a permanent position of a type specified in clause 43(2)(g) of the *Civil Service Act* is deemed not to be a member under the *Public Sector Pension Plan Act*, if
 - (a) the person was a member under the *Teachers' Pension Plan Act* immediately prior to commencing employment with the Department;
 - (b) the person was not a member under the *Public Sector Pension Plan Act* immediately prior to the coming into force of this Act; and
 - (c) the Department requires that the person employed in the position be a teacher.

Application

- (5) This section applies notwithstanding anything to the contrary in the provisions of the *Civil Service Act*, the *Public Sector Pension Plan Act*, the *Teachers' Pension Plan Act* or the regulations made under these Acts or any other enactment, and in the event of an inconsistency between this section and a provision of the *Civil Service Act*, the *Public Sector Pension Plan Act*, the *Teachers' Pension Plan Act*, or the regulations made under those Acts or any other enactment, this section shall prevail. 2016,c.6,s.80; 2020,c.60,s.20; 2020,c.85,s.15.

PART VIII — HEALTH AND SAFETY

81. Student excluded for health reasons

- (1) A principal may, if it appears necessary in the interest of the other students, immediately exclude a student from the school until the student has been examined by a medical practitioner or nurse practitioner as defined in the *Public Health Act*.

Principal notifies Chief Public Health Officer

- (2) A principal shall notify the office of the Chief Public Health Officer of the occurrence of a regulated disease, if required to do so by the *Public Health Act*.

Best practices

- (3) The medical practitioner or nurse practitioner referred to in subsection (1) shall follow best practices or consult with the Chief Public Health Officer to determine when an excluded student may return to school.

Student excluded only by order

- (4) Subject to subsection (1), a student who has a regulated disease shall not be excluded from the school for that reason except in accordance with the direction of a medical practitioner or nurse practitioner under subsection (3).

Confidentiality

- (5) Employees and members of an education authority shall maintain confidentiality respecting students reported or excluded under this section. *2016,c.6,s.81.*

82. Report child abuse

- (1) A teacher or other school staff member who has reasonable and probable cause to suspect 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*.

Disclosure to Director of Child Protection allowed

- (2) Nothing in this Act shall be construed to preclude the disclosure to the Director of Child Protection or a peace officer of information indicative of child abuse or relevant to a report of child abuse or to an investigation pursuant to the *Child Protection Act*. *2016,c.6,s.82.*

83. Injury or medical emergency

- (1) Where a student is injured or there is a medical emergency, teachers and school staff shall provide assistance to the student and obtain medical treatment if necessary.

Costs of medical treatment

- (2) Costs of medical treatment, including ambulances, shall be borne by the student or the student's parent. *2016,c.6,s.83.*

84. Consent to activities off school premises

Teachers shall obtain the consent of parents for the participation of students in school-sponsored activities off the school premises. *2016,c.6,s.84.*

85. Courses, programs off school premises

- (1) A student may attend a course or program conducted off the school premises with the approval of the education authority.

Injury or death, approved outside program

- (2) Where injury or death is caused to a student registered in a program approved pursuant to subsection (1), during or as a result of the course or program, no cause of action for loss or damage suffered by the student accrues to the student or to any person against the education authority or any of the members, if it is shown that the members of the education authority believed, on reasonable grounds, that the person with whom the student was placed was

competent to give instruction and that the premises and equipment were adequate to provide reasonable safeguards against injury or death. *2016,c.6,s.85.*

PART IX — FINANCE

86. Education authority funding program

- (1) The Minister shall establish a funding program for the education authorities.

Education authority budget information

- (2) Each education authority shall submit to the Minister budget information in accordance with the regulations and the Minister's directives.

Annual budget meetings

- (3) The Minister shall meet annually with each education authority to discuss budget matters.

Minister approves education authority budget

- (4) The Minister shall approve a budget for each education authority with any recommendations or conditions the Minister considers necessary.

Projected budget for more than one year on request

- (5) Each education authority shall prepare and submit to the Minister a projected budget for more than one year if requested to do so by the Minister. *2016,c.6,s.86.*

87. Fiscal year

- (1) An education authority's fiscal year shall end on March 31.

No accumulated deficit

- (2) An education authority shall not budget for a current deficit in any fiscal year if that deficit would create an accumulated deficit.

Deficit first call on grant

- (3) Where an education authority has incurred a deficit, the deficit shall be a first call on the education authority's grant for the second fiscal year following and the education authority shall budget accordingly.

Surplus remains with school board

- (4) Where an education authority shows a surplus on its financial statement for a fiscal year, the surplus shall remain with the education authority. *2016,c.6,s.87.*

88. Revised budget

The Minister may approve a revised or amended budget subject to any terms and conditions the Minister considers necessary. *2016,c.6,s.88.*

89. Administrative and operating control systems

Each education authority shall maintain administrative and operating control systems and safeguards in accordance with this Act and the regulations. *2016,c.6,s.89.*

90. Accounts in financial institutions

An education authority may maintain accounts in the types of financial institutions specified in the regulations. *2016,c.6,s.90.*

91. Information from auditors

- (1) The Minister may require any information or explanation the Minister considers necessary from an education authority or its auditors respecting the finances or accounting methods of the education authority.

Annual audited financial statements

- (2) Each education authority shall provide the Minister with annual audited financial statements on or before the date set by the Minister's directive. *2016,c.6,s.91.*

92. Education authority incurs liabilities, expenditures

An education authority shall not knowingly incur any liability or make any capital expenditure or any other expenditure, unless

- (a) the liability or expenditure can be provided for out of the education authority's annual budget or out of other money available to the education authority for the purpose;
- (b) the liability or expenditure is included in an amended budget approved by the Minister under section 88; or
- (c) the liability or expenditure is approved by the Lieutenant Governor in Council. *2016,c.6,s.92.*

93. Construction and capital additions to schools

- (1) The Minister, after consultation with the education authority concerned and in accordance with the regulations, may recommend to the Minister of Transportation and Infrastructure
- (a) the purchase, rental or acceptance of gifts of land or buildings for school purposes;
- (b) the construction and furnishing of school buildings; and
- (c) capital additions to school buildings.

Location of school buildings

- (2) An education authority, with the Minister's approval, shall determine the location of school buildings.

Consultation

- (3) The Minister shall consult with the education authorities respecting capital construction projects. *2016,c.6,s.93; 2021,c.8,s.3.*

94. Insurance

- (1) An education authority shall, in respect of its operations, keep in force policies of insurance as required by the regulations for the purpose of indemnifying the education authority, its employees, agents and others acting on its behalf, including volunteers, in respect of claims for
- (a) damages for death, bodily injury, personal injury or property damage;

- (b) damages to property managed by the education authority in respect of which the education authority has an insurable interest
 - (i) that the education authority has agreed to insure, or
 - (ii) for which the education authority otherwise has or may have assumed liability.

Insurance proceeds

- (2) Proceeds of an insurance claim payable to an education authority shall be used to replace the property insured or in any other manner that the Minister may authorize. *2016,c.6,s.94.*

PART X — OTHER EDUCATION PROGRAMS

95. Notice of intention

- (1) A parent who intends to provide a home education program for the parent's child shall, for each school year, provide the Minister with
 - (a) a notice in the form approved by the Minister of the parent's intention to provide a home education program in accordance with the regulations; and
 - (b) a declaration that the parent acknowledges the parent's responsibilities related to the provision of the home education program for the parent's child.

Advice, comments by Department

- (2) The Department may provide to the parent advice and comments on the home education program.

Attend courses offered by an education authority

- (3) A student attending a home education program may attend courses offered by an education authority as permitted by the regulations. *2016,c.6,s.95; 2022,c.58,s.21.*

96. Educational program

- (1) The Minister may authorize an education program at a youth custody facility or other place at which a young person must be present under an order made by a youth justice court under the *Youth Criminal Justice Act (Canada)* or the *Youth Justice Act*.

Must hold teacher's license

- (2) Any person teaching in a program offered under subsection (1) shall hold a teacher's license. *2016,c.6,s.96.*

PART XI — LICENSES AND TEMPORARY PERMITS

97. Duties of Registrar

The Minister shall appoint a Registrar to perform the duties specified in this Act and the regulations respecting the issuance of

- (a) teacher's licenses; and
- (b) temporary permits. *2016,c.6,s.97.*

98. Apply to Registrar

- (1) A person may apply to the Registrar, in accordance with the regulations and in the form approved by the Registrar, for a teacher's license.

Required documentation

- (2) An application referred to in subsection (1) shall be accompanied by the documents respecting educational and other qualifications specified in the regulations and the prescribed fee. 2016, c.6, s.98.

99. Registrar issues teacher's license

- (1) The Registrar, on review of a completed application provided pursuant to section 98, may, if satisfied that the applicant meets the standards and criteria set out in the regulations for a class or category of teacher's license, assign a qualification level and issue a teacher's license to the applicant in accordance with this Act and the regulations.

Terms or conditions on teacher's license

- (2) The Registrar may place terms and conditions on a teacher's license in accordance with the regulations.

Compliance required

- (3) The holder of a teacher's license shall comply with any term or condition imposed on the teacher's license by the Registrar under subsection (2).

Registrar may refuse to issue teacher's license

- (4) The Registrar may refuse to issue a teacher's license to an applicant on the grounds
- (a) that the applicant does not meet the standards and criteria set out in the regulations;
 - (b) that the applicant is not sufficiently proficient in either English or French to teach in that language, as evaluated in accordance with the requirements set out in the regulations;
 - (c) that, in another province or a jurisdiction outside of Canada, the applicant held the equivalent of a teacher's license that was revoked and has not been reinstated;
 - (d) that, in another province or a jurisdiction outside of Canada, the applicant holds the equivalent of a teacher's license that is suspended;
 - (e) that the applicant voluntarily surrendered the equivalent of a teacher's license in another province or a jurisdiction outside of Canada, or retired from teaching, if the Registrar believes on reasonable grounds that the voluntary surrender or retirement resulted from concerns about the applicant and the safety of children or other persons;
 - (f) that the applicant has been found guilty of an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) and the Registrar believes, based on the nature of the offence, that the applicant's presence in a school would endanger the health, safety or well-being of students or other persons;
 - (g) that the applicant has been disciplined by a regulatory authority in this or another province or a jurisdiction outside of Canada for conduct that, in the Registrar's opinion, gives rise to concerns about the applicant and the safety of children or other persons;
 - (h) that the applicant knowingly made a false statement in the application or accompanying documents; or
 - (i) set out in the regulations.

Notice of refusal

- (5) Notice of a refusal by the Registrar to issue a teacher's license to an applicant under subsection (4) and the reasons for the refusal shall be sent by regular mail to the applicant at the address provided by the applicant and is deemed to have been received five days after the date on which it was sent.

Transitional

- (6) On the coming into force of this subsection, a valid and subsisting instructional license of a specified class or category and qualification level issued under or pursuant to the former Act is deemed to be a teacher's license of an equivalent category or class and qualification level issued under this section and continues to be valid until suspended or revoked by the Registrar under section 102. *2016, c.6, s.99; 2020, c.61, s.2.*

100. Registrar may issue temporary permit

- (1) A person may apply to the Registrar, in accordance with the regulations and in the form approved by the Registrar, for a temporary permit.

Required documentation

- (2) An application referred to in subsection (1) shall be accompanied by the documents respecting educational and other qualifications specified in the regulations and the prescribed fee.

Registrar issues temporary permit

- (3) The Registrar, on review of a completed application provided pursuant to subsection (2), may, if satisfied that the applicant meets the standards and criteria set out in the regulations, issue a temporary permit to the applicant in accordance with this Act and the regulations.

Terms and conditions on temporary permit

- (4) The Registrar may place terms and conditions on a temporary permit in accordance with the regulations.

Compliance required

- (5) The holder of a temporary permit shall comply with any term or condition imposed on it by the Registrar under subsection (4).

Term of one year

- (6) A temporary permit may be issued for a term not exceeding one year.

Registrar may refuse to issue temporary permit

- (7) The Registrar may refuse to issue a temporary permit to an applicant on the grounds
- (a) that the applicant does not meet the standards and criteria set out in the regulations;
 - (b) that the applicant is not sufficiently proficient in either English or French to teach in that language, as evaluated in accordance with the requirements set out in the regulations;
 - (c) that, in this or another province or a jurisdiction outside of Canada, the applicant held a teacher's license or the equivalent that was revoked and has not been reinstated;
 - (d) that, in this or another province or a jurisdiction outside of Canada, the applicant holds a teacher's license or the equivalent that is suspended;
 - (e) that, in this or another province or a jurisdiction outside of Canada, the applicant voluntarily surrendered a teacher's license or the equivalent, or retired from teaching,

if the Registrar believes on reasonable grounds that the voluntary surrender or retirement resulted from concerns about the applicant and the safety of children or other persons;

- (f) that the applicant has been found guilty of an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) and the Registrar believes, based on the nature of the offence, that the applicant's presence in a school would endanger the health, safety or well-being of students or other persons;
- (g) that, in this or another province or jurisdiction outside of Canada, the applicant has been disciplined by a regulatory authority for conduct that, in the Registrar's opinion, gives rise to concerns about the applicant and the safety of children or other persons;
- (h) that the applicant knowingly made a false statement in the application or accompanying documents; or
- (i) set out in the regulations.

Notice of refusal

- (8) Notice of a refusal by the Registrar to issue a temporary permit to an applicant under subsection (7) and the reasons for the refusal shall be sent by regular mail to the applicant at the address provided by the applicant and is deemed to have been received five days after the date on which it was sent.

Transitional

- (9) On the coming into force of this section, a valid and subsisting authorization to substitute for a teacher issued under the former Act shall be deemed to be a temporary permit issued under this section and shall continue in force until
 - (a) June 30, 2017; or
 - (b) suspended or revoked by the Registrar under section 105,whichever occurs first. *2016, c.6, s.100.*

101. Appeal

- (1) A person may appeal any of the following to an appeal board established under the regulations to hear such appeals:
 - (a) the refusal by the Registrar to issue a teacher's license under subsection 99(4);
 - (b) the refusal by the Registrar to issue a temporary permit under subsection 100(7);
 - (c) terms or conditions imposed by the Registrar on a teacher's license or temporary permit;
 - (d) the qualification level assigned to a teacher's license.

Decision on appeal final

- (2) A decision of the appeal board respecting an appeal made under subsection (1) is final and binding on the appellant and the Registrar and shall not be appealed. *2016, c.6, s.101.*

102. Suspension or revocation for cause

- (1) The Registrar may suspend or revoke a teacher's license for cause in accordance with this section and the regulations, and shall provide notice to the teacher in accordance with the regulations.

Referral

- (2) The Registrar shall, prior to suspending or revoking a teacher's license under subsection (1), refer the matter to a review committee established in accordance with the regulations.

Investigation

- (3) The review committee shall conduct an investigation into any conduct of the teacher that might provide cause for the suspension or revocation of the teacher's license and, as part of the investigation, the review committee may request the teacher to undergo an assessment of a type specified in the regulations.

Production of records

- (4) For the purposes of conducting an investigation under subsection (3), the review committee may require the production of any records or other documents the review committee considers relevant to the incident under investigation.

Inspection of , records

- (5) For the purposes of subsection (4), the review committee or any person designated in writing by the review committee may, at any time, make an inspection of the records or other documents of any person under investigation.

Person not to withhold or conceal records

- (6) The review committee, or any designated person referred to in subsection (5), is entitled to unrestricted access to all records or other documents of any person under investigation, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the review committee or the designated person for the purposes of the investigation.

Written report

- (7) On the completion of its investigation under this section, the review committee shall submit a written report to the Registrar of its findings, including its recommendations respecting the suspension or revocation of the teacher's license.

Interim suspension until investigation concluded

- (8) Notwithstanding any other provision of this Act, the Registrar may, on notice to the holder of a teacher's license and in accordance with the regulations, on an interim basis for a period not exceeding 24 months, until the review committee has concluded its investigation under subsection (3),

- (a) suspend the teacher's license; or
(b) impose terms or conditions on the teacher's license.

Authority of Registrar

- (9) Where the Registrar has suspended a teacher's license under subsection (1), the Registrar may
- (a) specify that the suspension is for an indefinite period of time until any conditions specified by the Registrar at the time of the suspension have been met;
- (b) require the holder of the suspended teacher's license to undergo an assessment of a type specified in the regulations; or
- (c) specify that the period of suspension is for a definite period of time not to exceed two years. *2016,c.6,s.102.*

103. Prohibition

- (1) Despite any other provision of this Act, where the Registrar has suspended a person's teacher's license pursuant to subsection 102(1) or (8) or revoked a person's teacher's license pursuant to subsection 102(1), an education authority shall not pay the person for any period
- (a) during which the person's teacher's license is suspended; or
 - (b) after the person's teacher's license has been revoked, except where the person's teacher's license has been reinstated.

Notice by Registrar

- (2) The Registrar shall give prompt notice to every provincial and territorial teacher certification authority in Canada of
- (a) the suspension or revocation of a teacher's license; or
 - (b) the voluntary surrender by a teacher of a teacher's license or the retirement of a teacher if the Registrar believes on reasonable grounds that the voluntary surrender or the retirement resulted from concerns about the teacher and the safety of children or other persons.

Copy of notice

- (3) The Registrar shall provide a copy of any notice given under subsection (2) to
- (a) the Director of each education authority in the province;
 - (b) the operator of each private school authorized by an Act to operate in the province; and
 - (c) the operator of an education program in the province for persons whose education is the responsibility of the Government of Canada or a prescribed organization or government. *2016, c.6, s.103.*

104. Appeal

- (1) A person whose teacher's license is suspended or revoked under subsection 102(1) or clause 102(8)(a), or on which terms or conditions have been imposed under clause 102(8)(b), may appeal the suspension, revocation or imposition of terms or conditions to the appeal board established under the regulations.

Decision of board final

- (2) A decision of the appeal board respecting an appeal made under subsection (1) is final and binding on the holder of the teacher's license and the Registrar and shall not be appealed. *2016, c.6, s.104.*

105. Registrar may suspend or revoke temporary permit

- (1) The Registrar may suspend or revoke a temporary permit and the Registrar's decision under this subsection shall not be appealed.

Notice of suspension or revocation

- (2) Notice of a suspension or revocation by the Registrar of a temporary permit under subsection (1) and the reasons for the suspension or revocation shall be sent by regular mail to the holder of the temporary permit at the address provided by the holder and are deemed to have been received five days after the date on which they were sent.

Idem

- (3) The Registrar shall provide a copy of the notice of the suspension or revocation of a temporary permit under subsection (2) to
- (a) the Director of each education authority in the province;
 - (b) the operator of each private school authorized by an Act to operate in the province; and
 - (c) the operator of an education program in the province for persons whose education is the responsibility of the Government of Canada or a prescribed organization or government. *2016, c.6, s.105.*

PART XII — OFFENCES AND PENALTIES

106. Offence

A person who

- (a) fails or neglects to comply with subsection 46(3);
- (b) disturbs or interrupts the proceedings of a school or school function without authority or reasonable cause to do so;
- (c) canvasses, sells or offers to sell goods, services or merchandise in a school or on school premises without the prior permission of the principal of the school;
- (d) fails to immediately leave a school or school premises when directed to do so by a school staff member or a member of an education authority;
- (e) fails to comply with subsection 102(6); or
- (f) contravenes a specified provision of the regulations,

is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000 or imprisonment for a period of not more than six months, or to both a fine and imprisonment. *2016, c.6, s.106.*

PART XIII — REGULATIONS

107. Regulations

- (1) The Lieutenant Governor in Council may make regulations
- (a) designating classes or categories of employees of an education authority as instructional personnel or non-instructional personnel;
 - (b) respecting the provision of information to the Minister by an education authority;
 - (c) respecting the Teacher Certification and Standards Board, including its role, powers and duties;
 - (d) respecting school buildings or school building projects;
 - (e) respecting the use of school buses or other personal property assigned to or leased by an education authority for purposes that are not directly related to services for students;
 - (f) respecting insurance coverage required for the use of school buses or other personal property pursuant to clause (e);
 - (g) respecting the operation, maintenance, safety and inspection of school buses and other vehicles in which students are transported;

- (h) respecting the role, powers, responsibilities and duties of the members of education authorities;
- (i) respecting the admission of students to schools, including the enrolment of students under sections 24 and 25;
- (j) respecting the closure of schools;
- (k) respecting medical examinations of education authority employees;
- (l) respecting contracts for instructional personnel and non-instructional personnel;
- (m) respecting the terms and conditions of employment for instructional personnel, including eligibility of persons to be employed under a permanent, fixed-term or probationary contract;
- (n) respecting the terms and conditions of employment for non-instructional personnel;
- (o) prescribing the form of contracts for instructional and non-instructional personnel;
- (p) prescribing organizations and governments that may be parties to an Education Service Agreement;
- (q) respecting qualifications of supervisory personnel;
- (r) respecting qualifications of principals and vice-principals;
- (s) respecting the age requirements and the qualifications and responsibilities of school bus drivers;
- (t) respecting the establishment of the school year and the school calendar for an education authority;
- (u) respecting the granting of sabbatical leave to instructional personnel;
- (v) respecting the responsibilities of Directors;
- (w) respecting the requirement of education authorities to obtain insurance or to participate in schemes or arrangements to protect the education authority, members of the education authority and employees of the education authority with respect to loss or legal liability;
- (x) respecting insurance coverage required on school buses and other vehicles carrying students on school-sponsored activities;
- (y) respecting access to the education program provided by an education authority;
- (z) prescribing the tuition fee for the purposes of sections 44 and 45;
- (aa) respecting the action to be taken by the Director under subsection 48(2);
- (bb) respecting the requirement for a principal to report to a parent of a student under subsection 51(3);
- (cc) respecting the requirement for a Director to report to the education authority and a parent of the student under subsection 51(5);
- (dd) respecting the establishment and conduct of a hearing committee for the purposes of sections 54 and 55, including the procedures to be followed, the conduct of hearings and the rendering of decisions by the hearing committee;
- (ee) respecting the expulsion of a student under section 54;
- (ff) respecting appeals of a decision under section 55;
- (gg) respecting student records;
- (hh) designating an organization as the authorized representative of instructional personnel and providing procedures by which another organization may become the authorized representative of the instructional personnel;
- (ii) respecting the appointment of representatives to the Education Negotiating Agency for the purposes of section 75;

- (jj) respecting collective bargaining for instructional personnel;
- (kk) respecting grievance review boards established under a collective agreement;
- (ll) providing for the manner of establishing salary scales and benefits for instructional personnel;
- (mm) respecting home education programs;
- (nn) respecting the licensing of teachers and substitute teachers;
- (oo) respecting the establishment of an appeal board for the purposes of section 101;
- (pp) providing procedures for the suspension and revocation of teacher's licenses, including the establishment of a review committee for the purposes of section 102 and the types of assessment that a teacher may be requested to undergo for the purposes of subsection 102(3);
- (qq) respecting the establishment of an appeal board to hear appeals of suspensions or revocations of teacher's licenses under subsection 104(1);
- (rr) providing procedures for the suspension and revocation of temporary permits;
- (ss) respecting the budget information to be provided to the Minister for the purposes of section 86;
- (tt) respecting the administrative and operating control systems and safeguards to be maintained by an education authority;
- (uu) respecting the types of financial institutions in which an education authority may maintain accounts;
- (vv) respecting the duties of the Registrar under section 97;
- (ww) repealed by 2022,c.58,s.22;
- (xx) prescribing one or more provisions of a regulation made under this section the contravention of or failure to comply with which constitutes an offence, and establishing the penalty for the offence;
- (yy) respecting fees for any document provided or service performed under this Act or the regulations;
- (zz) defining words, phrases or terms for which no definition is given under this Act;
- (aaa) generally providing for the better administration of this Act.

Minister's recommendation

- (2) The Lieutenant Governor in Council may, on the recommendation of the Minister, make regulations respecting standards and criteria for teacher's licenses and temporary permits, including establishing classes and categories of teacher's licenses and temporary permits and the qualifications required for each class or category of teacher's license or temporary permit.

Retroactive effect

- (2.1) A regulation made under subsection (2) may, after it is published in the Gazette and if the regulation so provides, be retroactive to a period before it was published.

Transitional matters

- (3) The Lieutenant Governor in Council may make regulations respecting any other matter that the Lieutenant Governor in Council considers necessary or appropriate for the purpose of providing for the transition from the former Act to this Act and more effectively bringing this Act into operation. *2016,c.6,s.107; 2020,c.61,s.3; 2022,c.58,s.22.*

PART XIV — TRANSITIONAL PROVISIONS**108. Public Schools Branch**

- (1) On the coming into force of this Act,
 - (a) the assets and liabilities of the English Language School Board are the assets and liabilities of the Public Schools Branch;
 - (b) all contracts and agreements entered into by the English Language School Board may be enforced by or against the Public Schools Branch;
 - (c) all legal proceedings and rights of action by or against the English Language School Board may be continued by or against the Public Schools Branch;
 - (d) subject to sections 64, 65 and 66, all employment contracts of supervisory personnel, non-instructional personnel and instructional personnel of the English Language School Board shall continue under the Public Schools Branch; and
 - (e) any disciplinary matters in respect of staff of the English Language School Board that were commenced by the English Language School Board prior to and not concluded on the coming into force of this Act are continued as disciplinary matters in respect of those persons by the Public Schools Branch.

French Language School Board

- (2) On the coming into force of this Act, any disciplinary matters in respect of staff of the French Language School Board that were commenced by the French Language School Board prior to and not concluded on the coming into force of this Act are continued as disciplinary matters in respect of those persons by the French Language School Board.

Suspension or revocation of instructional license

- (3) On the coming into force of this Act, an examination or investigation by the Minister in respect of a suspension or revocation of an instructional license under subsection 3(2) of the former Act that was commenced but not concluded on the coming into force of this Act shall be continued by the Minister in accordance with the law as it existed immediately before the coming into force of this Act.

Suspension or revocation of authorization to substitute

- (4) On the coming into force of this Act, an examination or investigation by the Minister in respect of a suspension or revocation of an authorization to substitute for a teacher under subsection 4(2) of the former Act that was commenced but not concluded on the coming into force of this Act shall be continued by the Minister in accordance with the law as it existed immediately before the coming into force of this Act.

Decision of Minister

- (5) A decision of the Minister under subsection (3) to suspend or revoke an instructional license is deemed to be a decision of the Registrar to suspend or revoke a teacher's license, as the case may be, under section 102 and may be appealed by the person affected in accordance with section 104.

Discipline, etc.

- (6) On the coming into force of this Act,
 - (a) any disciplinary matters in respect of students that were commenced by the English Language School Board under the former Act and not concluded on the coming into force of this Act are continued as disciplinary matters in respect of those students by the Public Schools Branch under this Act;

- (b) any disciplinary matters in respect of students that were commenced by the French Language School Board under the former Act and not concluded on the coming into force of this Act are continued as disciplinary matters in respect of those students by the French Language School Board under this Act;
- (c) the policies of the English Language School Board made pursuant to the former Act are continued as the policies of the Public Schools Branch under this Act until rescinded or replaced by the Public Schools Branch;
- (d) the policies of the French Language School Board made pursuant to the former Act are continued until rescinded or replaced by the French Language School Board.

Appointments

- (7) On the coming into force of this Act,
 - (a) the appointment of a person by the Minister to the Education Negotiating Agency as a representative of the English Language School Board that was in effect on the coming into force of this Act is continued as an appointment of the person to the Education Negotiating Agency as a representative of the Public Schools Branch;
 - (b) the appointment of a person by the Minister to the Education Negotiating Agency as a representative of the French Language School Board that was in effect on the coming into force of this Act is continued as an appointment of the person to the Education Negotiating Agency as a representative of the French Language School Board;
 - (c) the appointment of a person by the Minister to the Education Negotiating Agency as a representative of the Department or the Treasury Board that was in effect on the coming into force of this Act is continued as an appointment of the person to the Education Negotiating Agency for the Department or the Treasury Board, as the case may be.

Appointment to Teacher Certification and Standards Board

- (8) On the coming into force of this Act, the appointment of a person by the Minister to the Certification and Standards Board under the former Act that was in effect on the coming into force of this Act is continued as an appointment of the person to the Teacher Certification and Standards Board for the remainder of the person's term.

Term of trustee

- (9) On the coming into force of this Act, the term of a trustee of the French Language School Board elected or appointed under the former Act continues under this Act until
 - (a) the term expires in accordance with the regulations governing elections for the French Language School Board; or
 - (b) the trustee becomes disqualified pursuant to the regulations.

Appeals

- (10) On the coming into force of this Act,
 - (a) an appeal of a person under clause 5(1)(a) of the former Act that was commenced prior to and not concluded on the coming into force of this Act is continued as an appeal under section 101 of this Act;
 - (b) an appeal of a person under clause 5(1)(b) of the former Act that was commenced prior to and not concluded on the coming into force of this Act is continued as an appeal under section 104 of this Act;
 - (c) an appeal of a person under section 16 of the Teacher Certification and Standards Regulations under the former Act that was commenced and not concluded on the

coming into force of this Act shall be continued as an appeal under section 101 of this Act.

Applications

- (11) On the coming into force of this Act, an application by a person that was commenced prior to and not concluded on the coming into force of this Act for
- (a) an instructional license under section 3 of the former Act is continued as an application for a teacher's license under section 98; and
 - (b) an authorization to substitute for a teacher under section 4 of the former Act is continued as an application for a temporary permit under section 100.

School council, etc.

- (12) A school council or a home and school association established for a school under Part V of the former Act that is in operation on the coming into force of this Act is deemed to be a school council or home and school association, as the case may be, established under Part IV of this Act.

Report of operations

- (13) The operations of the English Language School Board for the period commencing April 1, 2016, and ending on the date this Act comes into force, and of the Public Schools Branch commencing on the date this Act comes into force and ending March 31, 2017, shall be reported in accordance with this Act by the Public Schools Branch. *2016, c.6, s.108.*

109. Employment status

- (1) On the coming into force of this section, all persons who
- (a) are employed by an education authority specified in an order of the Minister;
 - (b) were, immediately prior to the coming into force of this Act, subject to the Terms and Conditions of Employment for Excluded Supervisory and Confidential Employees of School Boards established under the former Act; and
 - (c) hold positions or have duties at the education authority of a type or class specified in an order of the Minister,

are members of the civil service of the province, and are subject to the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8.

Idem

- (2) A person referred to in subsection (1) who holds a permanent position is deemed to hold a classified position in the civil service as an excluded employee of a type specified in clause 43(2)(g) of the *Civil Service Act*.

No break in service

- (3) For greater certainty, nothing in this section shall be construed as causing a break in service in the employment of a person described in subsection (1).

Termination unaffected

- (4) Nothing in this section shall prevent the termination of employment of any employee, whether at the initiative of the employer or of the employee, under this Act or the former Act, and any rights and obligations in connection with the termination shall be based on the relevant contract of employment, statute, regulation or other source of terms and conditions of employment, as the case may be.

No entitlement to severance pay

- (5) For greater certainty, nothing in this section shall be construed as entitling any person to severance pay as the result of being deemed to hold a position in the civil service.

Application of section

- (6) This section applies notwithstanding anything to the contrary in the provisions of the former Act, the *Civil Service Act*, the regulations made under either of those Acts or any other enactment, and in the event of an inconsistency between this section and a provision of the former Act, the *Civil Service Act*, the regulations made under those Acts or any other enactment, this section shall prevail. *2016,c.6,s.109.*

110. Teacher not a member

- (1) For the purposes of subclause 1(1)(w)(ii) of the *Teachers' Pension Plan Act*, a person referred to in subsection 109(1) who is a teacher is deemed not to be a member under the *Public Sector Pension Plan Act* R.S.P.E.I. 1988, Cap. P-32.11.

Idem

- (2) For the purposes of subclause 1(1)(w)(iii) of the *Teachers' Pension Plan Act*, a person who is employed by the Department in a permanent position of a type specified in clause 43(2)(g) of the *Civil Service Act*, during the period from April 1, 2016, to the date on which this Act comes into force, is deemed not to be a member under the *Public Sector Pension Plan Act*, if
- (a) the person was a member under the *Teachers' Pension Plan Act* immediately prior to commencing employment with the Department;
 - (b) the person was not a member under the *Public Sector Pension Plan Act* immediately prior to April 1, 2016; and
 - (b) the Department requires that the person employed in the position be a teacher.

Application of section

- (3) This section applies notwithstanding anything to the contrary in the provisions of the *Civil Service Act*, the *Public Sector Pension Plan Act*, the *Teachers' Pension Plan Act* or the regulations made under those Acts or any other enactment, and in the event of an inconsistency between this section and a provision of the former Act, the *Civil Service Act*, the *Public Sector Pension Plan Act*, the *Teachers' Pension Plan Act* or the regulations made under those Acts or any other enactment, this section shall prevail.

Deemed commencement

- (4) Subsections (2) and (3) are deemed to have come into force on April 1, 2016. *2016,c.6,s.110. 2016,c.6,s.110; 2020,c.60,s.20; 2020,c.85,s.15.*

PART XV — CONSEQUENTIAL AMENDMENTS, REPEAL, COMMENCEMENT

111. to 135 Consequentials

111 to 135 (These sections make consequential amendments to other Acts. The amendments have been incorporated into those Acts.)

REPEAL

136. The *School Act* R.S.P.E.I. 1988, Cap. S-2.1, is repealed.