



BILL NO. 72

Government Bill

*1st Session, 63rd General Assembly
Nova Scotia
67 Elizabeth II, 2018*

An Act to Reform the Administration of the Public Education System

CHAPTER 1
ACTS OF 2018

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MARCH 9, 2018**

The Honourable Zach Churchill
Minister of Education and Early Childhood Development

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act to Reform the Administration of the Public Education System

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Education Reform (2018) Act*.

PART I

EDUCATION ACT

2 (1) Subsections 33(2) to (5) and 34(3) and (5) and Sections 35 and 36 of Chapter 1 of the Acts of 1995-96, the *Education Act*, are repealed.

(2) Any appeal commenced under Section 36 of Chapter 1 before the coming into force of this Section may be continued or enforced as if that Section had not been repealed.

(3) No teacher may commence an appeal of a suspension or discharge under Section 36 of Chapter 1 after the coming into force of this Section, irrespective of whether the teacher was suspended or discharged before or after the coming into force of this Section.

3 Schedule A, the *Education Act*, comes into force as provided in that Schedule.

PART II

PUBLIC SCHOOL ADMINISTRATORS EMPLOYMENT RELATIONS ACT

4 Schedule B, the *Public School Administrators Employment Relations Act*, comes into force as provided in that Schedule.

PART III

TEACHERS' COLLECTIVE BARGAINING ACT

5 Section 2 of Chapter 460 of the Revised Statutes, 1989, the *Teachers' Collective Bargaining Act*, as amended by Chapter 1 of the Acts of 1995-96, Chapter 20 of the Acts of 2001 and Chapter 37 of the Acts of 2010, is further amended by

(a) striking out "Relations and Employment" immediately after "Board" in the first and second lines of clause (b);

(b) adding immediately after clause (g) the following clause:

(ga) "education entity" means an education entity as defined in the *Education Act*;

(c) adding “and Early Childhood Development” immediately after “Education” in the first line of subclause (h)(i), in the second line of paragraph (h)(i)(H) and in the fourth line of paragraph (h)(ii)(E);

(d) striking out “school board” in the first line of subclause (h)(ii) and in the fifth line of paragraph (h)(ii)(E) and substituting in each case “education entity”;

(e) striking out subclause (h)(iii);

(f) adding immediately after clause (i) the following clause:

(ia) “manager” means a teacher as defined in the *Education Act* who

(i) is employed by an education entity or the Minister of Education and Early Childhood Development, and

(ii) holds, including in an acting capacity, a position with greater supervisory responsibility than a department head, including a position as regional executive director of education, superintendent of schools, director, subsystem supervisor, co-ordinator, principal or vice-principal,

but does not include a teacher acting as a teacher-in-charge in accordance with a professional agreement or the holder of a teaching permit issued by the Minister of Education and Early Childhood Development;

(g) striking out “Workforce Development” in clause (k) and substituting “Advanced Education”;

(h) striking out clause (o);

(i) striking out clause (r);

(j) striking out “a school board” in the second line of clause (s) and substituting “an education entity”;

(k) striking out “and in the case of regional vocational schools means the individual school” in the second, third and fourth lines of clause (s); and

(l) striking out clause (u) and substituting the following clause:

(u) “teacher” means a teacher as defined in the *Education Act* who is employed by an education entity but does not include a person in charge of a school system or the holder of a teaching permit issued by the Minister of Education and Early Childhood Development;

(m) striking out clause (u) and substituting the following clause:

(u) “teacher” means a teacher as defined in the *Education Act* who is employed by an education entity but does not include a manager or the holder of a teaching permit issued by the Minister of Education and Early Childhood Development;

6 Section 4 of Chapter 460, as amended by Chapter 37 of the Acts of 2010, is further amended by

(a) adding “and Early Childhood Development” immediately after “Education” each time it appears in the second line of clause (a); and

(b) striking out clause (c) and substituting the following clauses:

(b) by an employer, who is an education entity other than the Conseil scolaire acadien provincial, by the regional executive director of education for the education entity, or by the person or persons authorized for this purpose by the regional executive director of education;

(c) by an employer, who is the Conseil scolaire acadien provincial, by the Chair and the Secretary of the Conseil, or by the person or persons authorized for this purpose by resolution duly passed at a meeting of the Conseil;

7 Section 8 of Chapter 460, as amended by Chapter 37 of the Acts of 2010, is further amended by striking out “Workforce Development” in the third line and substituting “Advanced Education”.

8 Section 11 of Chapter 460 is amended by striking out “Consolidated” in the fourth line and substituting “General Revenue”.

9 Section 12 of Chapter 460 is amended by adding immediately after subsection (2) the following subsection:

(3) Any manager who, immediately before August 1, 2018, was a member of the Union for the purpose of this Act ceases to be a member on that date.

10 (1) Subsection 13(2) of Chapter 460, as enacted by Chapter 20 of the Acts of 2001, is amended by adding “and Early Childhood Development” immediately after “Education” in the first and in the last lines.

(2) Subsection 13(3) of Chapter 460, as enacted by Chapter 20 of the Acts of 2001, is amended by adding “and Early Childhood Development” immediately after “Education” in the fifth line.

(3) Subsection 13(4) of Chapter 460, as enacted by Chapter 20 of the Acts of 2001, is amended by

(a) adding “and Early Childhood Development” immediately after “Education” in the fourth and in the seventh lines; and

(b) striking out “a school board” in the sixth line and substituting “an education entity”.

11 Sections 14 and 15 of Chapter 460 are repealed and the following Section substituted:

14 Notwithstanding any professional agreement, a manager may perform the duties of a teacher.

12 Section 16 of Chapter 460 is amended by

(a) adding “and Early Childhood Development” immediately after “Education” in the first, in the second and in the fifth lines; and

(b) striking out “and the Nova Scotia School Boards Association” in the fourth and fifth lines and substituting a comma.

13 (1) Subsection 19(1) of Chapter 460 is amended by

(a) striking out “a school board” in the first and in the third lines and substituting in each case “an education entity”; and

(b) striking out “school board” in the fourth line and substituting “education entity”.

(2) Subsection 19(9) of Chapter 460, as enacted by Chapter 4 of the Acts of 2000, is amended by striking out “school board” in the first, in the third and in the sixth lines and substituting in each case “education entity”.

14 (1) Subsection 20(1) of Chapter 460 is amended by

(a) striking out “school boards” in the fourth line and substituting “education entities”; and

(b) striking out “school board” in the fifth and in the seventh lines and substituting in each case “education entity”.

(2) Subsection 20(2) of Chapter 460 is amended by striking out “a school board” in the second and in the third lines and substituting in each case “an education entity”.

15 (1) Subsection 26(1) of Chapter 460 is amended by adding “and Early Childhood Development” immediately after “Education” in the first and in the second lines.

(2) Subsection 26(2) of Chapter 460, as amended by Chapter 4 of the Acts of 2000, is further amended by adding “and Early Childhood Development” immediately after “Education” in the second and in the third lines.

(3) Subsection 26(3) of Chapter 460, as enacted by Chapter 4 of the Acts of 2000, is amended by adding “and Early Childhood Development” immediately after “Education” in the third, in the sixth and in the seventh lines.

16 (1) Subsection 28(1) of Chapter 460 is amended by

(a) adding “and Early Childhood Development” immediately after “Education” in the second line and in clause (b); and

(b) striking out clause (c) and substituting the following clause:

(c) an education entity.

(2) Subsection 28(2) of Chapter 460 is amended by

(a) striking out “a school board” in the first and second lines and substituting “an education entity”; and

(b) striking out clause (b) and substituting the following clause:

(b) an education entity.

(3) Subsection 28(3) of Chapter 460 is repealed.

17 Chapter 460 is further amended by adding immediately after Section 28 the following Section:

28A (1) A professional agreement may not restrict, and is inoperative to the extent that it restricts,

(a) a teacher from accepting a secondment with the Department of Education and Early Childhood Development; or

(b) a teacher as defined in the *Education Act* who is employed with the Department of Education and Early Childhood Development from accepting a secondment with an education entity.

(2) While a teacher is seconded to the Department of Education and Early Childhood Development from an education entity, the teacher

(a) remains subject to any professional agreement applicable to teachers employed by the education entity; and

(b) is deemed not to be an employee as defined in the *Civil Service Collective Bargaining Act* for the purpose of that Act.

18 Subsection 29(2) of Chapter 460, as amended by Chapter 37 of the Acts of 2010, is further amended by striking out “Workforce Development” in the fifteenth line and substituting “Advanced Education”.

19 Section 33 of Chapter 460 is amended by adding “and Early Childhood Development” immediately after “Education” in the third line.

20 (1) Subsection 34(4) of Chapter 460 is amended by

(a) striking out “board” in the last line of clause (a) and substituting “education entity”;

(b) striking out the semicolon at the end of clause (b) and substituting a period; and

(c) striking out clause (c).

(2) Subsections 34(5) and (6) are repealed.

21 Clause 65(b) of Chapter 460 is amended by

(a) striking out “a school board” in the first line and substituting “an education entity”; and

(b) striking out “ten” in the second line of clause (b) and substituting “one hundred”.

22 Subsection 66(2) of Chapter 460 is amended by striking out “ten” in the last line and substituting “one hundred”.

23 (1) Subsection 67(1) of Chapter 460 is amended by striking out “three hundred” in the third line and substituting “ten thousand”.

(2) Subsection 67(2) of Chapter 460 is amended by striking out “two hundred” in the fourth line and substituting “ten thousand”.

(3) Subsection 67(3) of Chapter 460 is amended by striking out “three hundred” in the third line and substituting “ten thousand”.

(4) Subsection 67(4) of Chapter 460 is amended by striking out “two hundred” in the fourth line and substituting “ten thousand”.

24 Subsection 68(1) of Chapter 460 is amended by striking out “ten” in the last line and substituting “one hundred”.

25 Section 69 of Chapter 460 is amended by striking out “ten” in the last line and substituting “one hundred”.

26 Subsection 71(1) of Chapter 460 is amended by striking out “ten” in the fifth line and substituting “one hundred”.

27 Section 72 of Chapter 460 is amended by adding “and Treasury Board” immediately after “Finance” in the second line.

28 Section 74 of Chapter 460 is amended by striking out “school board” in the second, in the fourth and in the fifth lines and substituting “education entity”.

29 (1) Clauses 5(b), (d), (i) and (j), 6(b), 10(3)(b) and 12(b), Sections 13 and 14, clause 16(1)(b), subsection 16(2), Section 17, clauses 20(1)(a) and 21(a) and Section 28 have effect on and after April 1, 2018.

(2) Clauses 5(f) and (m), Sections 9 and 11 and subsection 20(2) have effect on and after August 1, 2018.

PART IV

AGREEMENTS UNDER THE TEACHERS’ COLLECTIVE BARGAINING ACT

30 In this Part, “bargaining agent”, “education entity”, “employer”, “manager”, “professional agreement”, “teacher” and “Union” have the same meanings as in the *Teachers’ Collective Bargaining Act*.

31 (1) The Teachers' Provincial Agreement made on May 14, 2013, between the Minister of Education and Early Childhood Development and the Union, as amended by Chapter 1 of the Acts of 2017, is amended in accordance with Schedule C.

(2) The Teachers' Provincial Agreement referred to in subsection (1), as amended in accordance with Schedule C, is deemed to constitute a professional agreement entered into by the Minister of Education and Early Childhood Development as an employer and the Union as the bargaining agent.

32 (1) The collective agreement made on January 15, 2013, between the Annapolis Valley Regional School Board and the Union, is amended in accordance with Schedule D-1.

(2) Subject to subsection (4), the collective agreement referred to in subsection (1), as amended in accordance with Schedule D-1, is deemed to constitute a professional agreement entered into by the regional centre for education that succeeds the Annapolis Valley Regional School Board as an employer and the Union as the bargaining agent.

(3) The tentative collective agreement reached on November 24, 2017, between the Annapolis Valley Regional School Board and the Union, ratified by the Board on February 14, 2018, and by the Union on December 18, 2017, is amended in accordance with Schedule D-2.

(4) Upon being executed, the tentative collective agreement referred to in subsection (3), as amended in accordance with Schedule D-2, is deemed to constitute a professional agreement entered into by the regional centre for education that succeeds the Annapolis Valley Regional School Board as an employer and the Union as the bargaining agent.

33 (1) The collective agreement made on June 6, 2014, between the Cape Breton–Victoria Regional School Board and the Union, is amended in accordance with Schedule E.

(2) The collective agreement referred to in subsection (1), as amended in accordance with Schedule E, is deemed to constitute a professional agreement entered into by the regional centre for education that succeeds the Cape Breton–Victoria Regional School Board as an employer and the Union as the bargaining agent.

34 (1) The collective agreement made on January 19, 2016, between the Chignecto–Central Regional School Board and the Union, is amended in accordance with Schedule F.

(2) The collective agreement referred to in subsection (1), as amended in accordance with Schedule F, is deemed to constitute a professional agreement entered into by the regional centre for education that succeeds the Chignecto–Central Regional School Board as an employer and the Union as the bargaining agent.

35 (1) The collective agreement made on May 7, 2015, between the Conseil scolaire acadien provincial and the Union, is amended in accordance with Schedule G.

(2) The collective agreement referred to in subsection (1), as amended in accordance with Schedule G, is deemed to constitute a professional agreement entered into by the Conseil scolaire acadien provincial as an employer and the Union as the bargaining agent.

36 (1) The collective agreement made on April 7, 2014, between the Halifax Regional School Board and the Union, is amended in accordance with Schedule H.

(2) The collective agreement referred to in subsection (1), as amended in accordance with Schedule H, is deemed to constitute a professional agreement entered into by the regional centre for education that succeeds the Halifax Regional School Board as an employer and the Union as the bargaining agent.

37 (1) The collective agreement made on December 20, 2017, between the South Shore Regional School Board and the Union, is amended in accordance with Schedule I.

(2) The collective agreement referred to in subsection (1), as amended in accordance with Schedule I, is deemed to constitute a professional agreement entered into by the regional centre for education that succeeds the South Shore Regional School Board as an employer and the Union as the bargaining agent.

38 (1) The collective agreement made on April 23, 2014, between the Strait Regional School Board and the Union, is amended in accordance with Schedule J.

(2) The collective agreement referred to in subsection (1), as amended in accordance with Schedule J, is deemed to constitute a professional agreement entered into by the regional centre for education that succeeds the Strait Regional School Board as an employer and the Union as the bargaining agent.

39 (1) The collective agreement made on March 8, 2016, between the Tri-County Regional School Board and the Union, is amended in accordance with Schedule K.

(2) The collective agreement referred to in subsection (1), as amended in accordance with Schedule K, is deemed to constitute a professional agreement entered into by the regional centre for education that succeeds the Tri-County Regional School Board as an employer and the Union as the bargaining agent.

40 A professional agreement in existence immediately before August 1, 2018, is inoperative to the extent that it

(a) contains terms or conditions of employment of managers, including provisions with reference to managers' rates of pay and hours of work; or

(b) impedes an individual employed by an education entity from assuming, in accordance with this or any other enactment, a position as a teacher with the education entity by virtue of being demoted from being or otherwise ceasing to be a manager while remaining employed by the education entity.

41 (1) Section 40 has effect on and after August 1, 2018.

(2) Each of Schedules C to K comes into force as provided in that Schedule.

PART V

TEACHING PROFESSION ACT

42 Section 2 of Chapter 462 of the Revised Statutes, 1989, the *Teaching Profession Act*, is amended by

(a) adding immediately after clause (a) the following clause:

(aa) “education entity” means an education entity as defined in the *Education Act*;

(b) adding immediately after clause (c) the following clauses:

(ca) “manager” means a manager as defined in the *Teachers’ Collective Bargaining Act*;

(cb) “member” means a member of the Union;

(c) adding “and Early Childhood Development” immediately after “Education” in the first and second lines of clause (d);

(d) striking out clause (f); and

(e) striking out clause (g) and substituting the following clause:

(g) “teacher” means a teacher as defined in the *Teachers’ Collective Bargaining Act*;

43 Section 6 of Chapter 462 is amended by striking out “Section 12 of this Act and” in the second line and substituting “subsection 12(1) and, subject to subsection 12(1A),”.

44 (1) Subsection 12(1) of Chapter 462 is amended by striking out “a school board” in the third line and substituting “an education entity”.

(2) Section 12 of Chapter 462 is further amended by adding immediately after subsection (1) the following subsections:

(1A) A manager is not a member of the Union and may not be determined to be a member of the Union by the Council pursuant to Section 6.

(1B) Any manager who, immediately before August 1, 2018, was a member of the Union ceases to be a member on that date.

(3) Subsection 12(5) of Chapter 462 is amended by

(a) striking out “a school board” in the third line and substituting “an education entity”; and

(b) striking out “by a school board in a teaching, supervisory or other professional capacity relating to education” in the third and fourth lines and substituting “as a teacher”.

45 Subsection 13(4) of Chapter 462 is amended by striking out “school board” in the second line and substituting “education entity”.

46 (1) Subsection 14(2) of Chapter 462 is amended by striking out “school board” in the third line and substituting “education entity”.

(2) Subsection 14(3) is amended by striking out “school board or other authority” in the first line and substituting “education entity”.

(3) Subsection 14(4) is amended by striking out “school board or other authority” in the first line and substituting “education entity”.

(4) Subsection 14(5) of Chapter 462 is amended by striking out “school board” in the third line and substituting “education entity”.

47 Chapter 462 is further amended by adding immediately after Section 14 the following Section:

15 (1) In this Section, “benefit plan or service” has the meaning prescribed by the regulations.

(2) Notwithstanding that managers are not members of the Union, the Union shall permit a manager to participate, on the same terms as a teacher, in any benefit plan or service established, sponsored or administered or otherwise provided by the Union for the benefit of teachers.

(3) The Minister may, in accordance with the regulations, compensate the Union for the reasonable costs it incurs by allowing managers to participate in any benefit plan or service.

(4) The Governor in Council may make regulations

(a) prescribing the meaning of “benefit plan or service”;

(b) respecting the compensation of the Union for the reasonable costs it incurs by allowing managers to participate in the Union's benefit plans and services.

(5) The exercise by the Governor in Council of the authority contained in subsection (4) is a regulation within the meaning of the *Regulations Act*.

48 (1) Clauses 42(a) and (d), subsection 44(1), clause 44(3)(a) and Sections 45 and 46 have effect on and after April 1, 2018.

(2) Clauses 42(b) and (e), Section 43, subsection 44(2), clause 44(3)(b) and Section 47 have effect on and after August 1, 2018.

PART VI

TRANSITIONAL

49 In this Part,

(a) “education entity” means an education entity as defined in the *Education Act*;

(b) “manager” means a teacher as defined in the *Education Act* who

(i) is employed by an education entity or the Minister, and

(ii) holds, including in an acting capacity, a position with greater supervisory responsibility than a department head, including a position as regional executive director of education, superintendent of schools, director, subsystem supervisor, coordinator, principal or vice-principal,

but does not include a teacher acting as a teacher-in-charge in accordance with a professional agreement or the holder of a teaching permit issued by the Minister;

(c) “Minister” means the Minister of Education and Early Childhood Development;

(d) “professional agreement” means a professional agreement as defined in the *Teachers’ Collective Bargaining Act*;

(e) “regional centre” means a regional centre as defined in the *Education Act*;

(f) “regional executive director” means a regional executive director as defined in the *Education Act*;

(g) “teacher” means a teacher as defined in the *Teachers’ Collective Bargaining Act* but does not include a manager.

50 Nothing in this Act affects the right of a manager to participate or continue participating in the Pension Plan as defined in the *Teachers’ Pension Act*.

51 (1) On or before June 30, 2018, the Minister shall consult with the Union on the promotion of student achievement, teaching excellence and professionalism.

(2) The consultation must address

(a) collaboration on teaching and leadership standards;

(b) portability of seniority between regions;

(c) professional development;

(d) extracurricular activities;

(e) work force recruitment and retention strategies;

(f) targeted strategies addressing French-language education, rural education, students living in poverty and children in care; and

(g) supports in schools for emerging immigrant communities.

52 (1) Except where a contrary intention appears, in any enactment or other document,

(a) a reference to a school board within the meaning of the *Education Act* as it read immediately before the coming into force of this Section, whether the reference is by that specific expression or otherwise, is to be read and construed to be a reference to an education entity;

(b) a reference to a specific school board, other than the Conseil scolaire acadien provincial, whether the reference is by its legal name or otherwise, is to be read

and construed to be a reference to the regional centre that succeeds the school board on April 1, 2018; and

(c) a reference to the superintendent of schools of a school board within the meaning of the *Education Act* as it read immediately before the coming into force of this Section, whether the reference is by that specific expression or otherwise, is to be read and construed to be a reference to the regional executive director of the regional centre that succeeds the school board on April 1, 2018.

(2) In any provision of a professional agreement in existence immediately before August 1, 2018, that governs the appointment of a teacher in charge, a reference to administrative personnel, whether the reference is by that specific expression or otherwise, is to be read and construed to be a reference to principals and vice-principals.

53 (1) Section 52(1) has effect on and after April 1, 2018.

(2) Section 52(2) has effect on and after August 1, 2018.

SCHEDULE A

An Act Respecting Education

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Education Act*.

2 The purpose of this Act is to provide for a publicly funded school system whose primary mandate is to provide education programs and services for students to enable them to develop their potential and acquire the knowledge, skills and attitudes needed to contribute to a healthy society and a prosperous and sustainable economy.

3 In this Act,

(a) “African-Canadian education” means programs, resources and learning materials that provide information about and promote understanding of African people and their history, heritage, culture, traditions and contributions to society, recognizing their origins as Africans;

(b) “bullying” means behaviour, typically repeated, that is intended to cause or should be known to cause, whether directly or indirectly, fear, intimidation, humiliation, exclusion, distress or other harm to another person’s body, emotional well-being, self-esteem, reputation or property, and includes assisting or encouraging such behaviour in any way;

(c) “Bureau” means the Nova Scotia Education Common Services Bureau;

(d) “cyberbullying” means any electronic communication through the use of technology including, without limiting the generality of the foregoing, computers, other electronic devices, social networks, text messaging, instant messaging, websites and electronic mail, typically repeated or with continuing effect, that is intended to cause or should be known to cause fear, intimidation, humiliation, exclusion, distress or other harm to another person’s health, emotional well-being, self-esteem or reputation, and includes assisting or encouraging such communication in any way;

(e) “Department” means the Department of Education and Early Childhood Development;

(f) “department” means a department, office or government agency created by or under the *Public Service Act*;

- (g) “education entity” means a regional centre or the Conseil scolaire acadien provincial;
- (h) “electronic means” means the use of internet, intranet or any form of electronic communication;
- (i) “former Act” means Chapter 1 of the Acts of 1995-96 or any predecessor to that Act;
- (j) “home education program” means a course of study provided to a student under the direction of the student’s parent and centred in the student’s home;
- (k) “minimum municipal contribution” means the amount that would be raised in a municipality if tax was levied at the tax rate, determined by the regulations, on the uniform assessment of the municipality determined in accordance with the *Municipal Grants Act*, or such lesser amount as determined by the regulations;
- (l) “Minister” means the Minister of Education and Early Childhood Development;
- (m) “Mi’kmaq” means all first-nations people, whether living on or off a reserve;
- (n) “Mi’kmaq education” means programs, resources and learning materials that provide information about and promote understanding of the Mi’kmaq and their history, heritage, language, culture, traditions and contributions to society and that recognize their origins as first-nations people;
- (o) “municipality” means a regional municipality, incorporated town or municipality of a county or district;
- (p) “parent” includes a guardian and a person acting *in loco parentis* to a child;
- (q) “PACE” means the Provincial Advisory Council on Education established by this Act;
- (r) “permanent contract” means a written contract between an education entity and a teacher in a form approved by the Minister that has been entered into after the teacher has
 - (i) served under a probationary contract, or
 - (ii) been employed by the education entity for two or more years immediately preceding the year in which the education entity entered into probationary and permanent contracts with the teacher for the first time;
- (s) “person in charge” of a child means a person over the age of 19 years with whom a child lives or who controls, is in a position to control or has the apparent charge of a child;
- (t) “principal” means the principal of a public school under the jurisdiction of a regional centre;
- (u) “private school” means a school, other than a public school, that serves school-age students and has a curriculum comparable to that provided by public schools but does not include a home-education program;
- (v) “probationary contract” means a written contract between an education entity and a teacher in a form approved by the Minister whereby the teacher is employed on a probationary basis;
- (w) “public school” means a public school maintained and managed by an education entity;
- (x) “public school program” means the public school program of education set out in the regulations;
- (y) “ratepayer” means a person liable to taxation under the *Assessment Act*;
- (z) “regional centre” means a regional centre for education constituted under this Act;
- (za) “regional education officer” means a regional education officer appointed under this Act;
- (zb) “regional executive director” means the regional executive director of education for a regional centre;
- (zc) “regional school board” means a regional school board established under the former Act;

(zd) “school region” means an area established as a school region in accordance with this Act and the regulations over which a regional centre exercises jurisdiction;

(ze) “support staff” includes persons employed in any capacity to assist a regional centre in providing services for the comfort, assistance, safety and conveyance of students or to provide administrative support to the regional centre and its schools but does not include a teacher;

(zf) “teacher” means a person who

(i) holds a teacher’s certificate or a teaching permit issued by the Minister qualifying the person to teach in a public school in the Province, including a vocational teacher’s certificate, and

(ii) is employed by an education entity or the Minister in a teaching, supervisory or other professional capacity relating to education;

(zg) “unacceptable behaviour” means behaviour that endangers the well-being of others, damages property or significantly disrupts the learning of others, and includes

(i) bullying,

(ii) cyberbullying,

(iii) discriminatory behaviour,

(iv) illegal activity,

(v) insubordination,

(vi) misuse of network or online resources,

(vii) physical violence,

(viii) racist behaviour,

(ix) repeated use of tobacco or electronic cigarettes,

(x) sexual assault,

(xi) sexual harassment,

(xii) sexual misconduct,

(xiii) significant disruption to school operations,

(xiv) use or possession of

(A) alcohol,

(B) drug-related paraphernalia,

(C) illegal drugs, or

(D) weapons,

(xv) vandalism, and

(xvi) verbal abuse;

(zh) “vice-principal” means the vice-principal of a public school under the jurisdiction of a regional centre.

4 The Minister has the general supervision and management of this Act and the general supervision of public schools and education in the Province.

PUBLIC SCHOOLS

5 All public schools established or managed by a regional centre are free schools.

6 Subject to this Act and the regulations, every person over the age of five years and under the age of 21 years has the right to attend a public school serving the school region in which that person resides, as assigned by a regional centre.

7 A regional centre may admit international students in accordance with the regulations and, notwithstanding Section 5, charge fees prescribed by the regulations to such students.

8 (1) The school academic year begins on August 1st in each year and ends on July 31st next following.

(2) The school fiscal year begins on April 1st in each year and ends on March 31st next following.

MINISTER

9 The role of the Minister is to

- (a) provide leadership for the education system;
- (b) establish policy, priorities, standards and guidelines for the provision of education, the administration of the education system and fostering student achievement; and
- (c) ensure accountability for funding and for the measuring and monitoring of education-system performance.

10 The Minister may

- (a) subject to the regulations, direct the expenditure of all funds appropriated by the Legislature for educational purposes within the scope of and incidental to this Act;
- (b) make grants to education entities;
- (c) receive in trust, hold and spend sums of money donated, bequeathed or subscribed for the use of public schools, education programs and related services in the Province;
- (d) acquire, hold, improve and maintain any real or personal property for such consideration and on such conditions as the Minister considers appropriate;
- (e) lease, sell or convey any real or personal property for such consideration and on such conditions as the Minister considers appropriate;
- (f) improve, renovate, alter, add to, repair, extend, provide service, furnish and equip buildings for public school purposes on such terms and conditions as the Minister considers appropriate;
- (g) transfer ownership of real or personal property from an education entity to Her Majesty in right of the Province or from Her Majesty in right of the Province to an education entity;
- (h) appoint such advisory groups or committees as the Minister considers appropriate;
- (i) name the diplomas and certificates to be granted to students and prescribe their form and the conditions under which they may be granted;
- (j) subject to the regulations, classify teachers and grant teacher's certificates and permits;
- (k) provide an instructional leadership program for teachers and grant diplomas for the successful completion of the program;
- (l) establish a Provincial school code of conduct policy with respect to promoting school and student safety that includes a Provincial school code of conduct and provisions regarding student conduct and consequences for unacceptable behaviour;

(m) establish a Provincial public school network-access and network-use policy that includes defined consequences for misuse of the network by students and staff of a school;

(n) maintain and operate the Nova Scotia School Book Bureau for the purchase, sale and distribution of school books and other learning materials prescribed by the regulations for use in public schools;

(o) collaborate with public education organizations and other bodies;

(p) collect, compile and disseminate education statistics and information;

(q) determine the organizational structure of an education entity and the Bureau;

(r) enter into agreements with the Government of Canada, a province of Canada, a municipality, a person or any other body for any purpose within the scope of this Act;

(s) enter into agreements with the Government of Canada or with the Mi'kmaq Kina'matnewey with respect to the costs and terms and conditions of the delivery of educational programs and services to members of a community listed in the Schedule to the *Mi'kmaq Education Act*;

(t) do such other things as the Minister considers necessary or advisable to effectively carry out the Minister's role and duties under this Act.

PROVINCIAL ADVISORY COUNCIL ON EDUCATION

11 (1) There is hereby established a Provincial Advisory Council on Education.

(2) PACE is composed of

(a) the Chair of the Conseil scolaire acadien provincial or such other member of the Conseil as may be designated by its members;

(b) the Chair of the Council on Mi'kmaq Education or such other member of the Council as may be designated by its members;

(c) the Chair of the Council on African-Canadian Education or such other member of the Council as may be designated by its members; and

(d) up to 12 individuals chosen after taking into consideration

(i) regional, cultural and gender representation and representation for persons with a disability,

(ii) the individual's knowledge and experience, and

(iii) the desirability of achieving an equitable representation of the diversity of educational and community interests served by public education in the Province.

(3) The members of PACE referred to in clause (d) shall be appointed by the Governor in Council on the recommendation of the Minister and shall serve on such terms and conditions as are prescribed by the regulations.

12 (1) Subject to subsection (2), the term of office for a member of PACE appointed by the Governor in Council is two years and a member is eligible for reappointment upon the expiry of the member's term for a subsequent term of two years.

(2) The Governor in Council shall designate up to six of the initial members of PACE appointed by it to serve a one-year term and any such member is eligible for reappointment upon the expiry of the member's term for a subsequent term of two years.

(3) A member of PACE appointed by the Governor in Council may not serve more than two consecutive terms.

13 Meetings of PACE must be presided over by a member of PACE chosen by the Minister.

- 14** The Minister may establish terms of reference for PACE.
- 15** PACE shall advise the Minister on matters relating to education and, in particular,
- (a) those matters referred to PACE by the Minister;
 - (b) regional or local matters that affect education; and
 - (c) such other educational matters as PACE wishes to bring to the attention of the Minister.
- 16** A member of PACE is entitled to such remuneration and to be reimbursed for such reasonable expenses necessarily incurred in carrying out the member's duties, as is prescribed by the regulations.

MI'KMAQ EDUCATION

- 17** (1) The Council on Mi'kmaq Education is hereby continued.
- (2) The Council on Mi'kmaq Education shall
- (a) promote the rights and interests of the Mi'kmaq by providing recommendations to the Minister on programs and services in public schools and to the Minister of Labour and Advanced Education on post-secondary and adult education;
 - (b) meet annually with the Minister to discuss the development of Mi'kmaq education; and
 - (c) perform such other duties prescribed by the regulations.
- (3) The Minister shall appoint the members of the Council on Mi'kmaq Education for such terms and upon such conditions prescribed by the regulations.
- (4) The Council on Mi'kmaq Education shall meet at least four times each year.
- (5) Meetings of the Council on Mi'kmaq Education shall be presided over by a member of the Council chosen by the Council.
- (6) A member of the Council on Mi'kmaq Education is entitled to such remuneration and to be reimbursed for such reasonable expenses necessarily incurred in carrying out the member's duties, as is prescribed by the regulations.

- 18** The Minister shall
- (a) provide and implement programs and policies promoting the development of Mi'kmaq education; and
 - (b) include in learning materials information respecting the history, language, heritage, culture, traditions and contribution to society of the Mi'kmaq.

AFRICAN-CANADIAN EDUCATION

- 19** (1) The Council on African-Canadian Education is hereby continued.
- (2) The Council on African-Canadian Education shall
- (a) promote the rights and interests of African-Nova Scotians by providing recommendations to the Minister on programs and services in public schools and to the Minister of Labour and Advanced Education on post-secondary and adult education;
 - (b) meet annually with the Minister to discuss the development of African-Canadian education; and
 - (c) perform such other duties as prescribed by the regulations.

(3) The Minister shall appoint the members of the Council on African-Canadian Education for such terms and upon such conditions as prescribed by the regulations.

(4) The Council on African-Canadian Education shall meet at least four times each year.

(5) Meetings of the Council on African-Canadian Education shall be presided over by a member of the Council chosen by the Council.

(6) A member of the Council on African-Canadian Education is entitled to such remuneration and to be reimbursed for such reasonable expenses necessarily incurred in carrying out the member's duties, as is prescribed by the regulations.

20 The Minister shall

(a) provide and implement programs and policies promoting the development of African-Canadian education; and

(b) include in learning materials information respecting the history, heritage, culture, traditions and contribution to society of African people.

SCHOOL ADVISORY COUNCILS AND REGIONAL SCHOOL ADVISORY COUNCILS

21 (1) A school advisory council may be established in accordance with the regulations for a public school or a group of schools.

(2) A regional school advisory council may be established in accordance with the regulations to represent two or more groups of schools within a school region or across school regions.

(3) The composition and powers and duties of a school advisory council or regional school advisory council, and the terms and conditions upon which its members serve, are as prescribed by the regulations.

22 A school advisory council or regional school advisory council shall

(a) assist a regional centre to ensure that the regional centre's public schools and related services are meeting the needs of the communities and regions they serve; and

(b) perform such other functions as are prescribed by the regulations and as assigned by the Minister or the regional centre.

PARENTS

23 (1) It is the duty of every parent of a child enrolled in a public school under the jurisdiction of a regional centre to

(a) support the child in achieving learning success;

(b) cause the child to attend school as required by the regulations;

(c) communicate regularly with the child's school;

(d) ensure the basic needs of the child are met, including that the child is well-nourished and well-rested when the child goes to school; and

(e) support the child's teachers in their efforts to provide an education for the child.

(2) A parent of a child with special needs must be afforded the opportunity to participate in the development of an individualized program for the child.

(3) Where a parent of a child with special needs does not agree with a decision of a regional centre respecting an individualized program plan for that child, the parent may appeal the decision in accordance with the regulations.

24 While a child lives with or is under the care or in the custody of a person other than a parent, the person is subject to the duties imposed by this Act on a parent, but the duty and liability of a parent is not thereby affected or diminished.

STUDENTS

25 (1) It is the duty of every student enrolled in a public school under the jurisdiction of a regional centre to

- (a) participate fully in learning opportunities;
- (b) attend school regularly and punctually;
- (c) contribute to an orderly and safe learning environment;
- (d) respect the rights of others; and
- (e) comply with the discipline policies of the school and the regional centre.

(2) A student is accountable to the student's teacher for the student's conduct while under the teacher's supervision.

(3) A student may participate in decisions that affect the student's school through representation on councils or committees in accordance with the regional centre's policy or the regulations.

(4) It is the right of a student to be informed of the student's educational progress on a regular basis.

(5) A student of the age of majority may exercise any right that under subsection 23(2) or (3) may be exercised by a parent of the student.

26 Where a student in a class engages in unacceptable behaviour, the teacher of the class may require the student to leave the class and shall refer the student to the principal.

27 Where a student enrolled in a public school under the jurisdiction of a regional centre engages in unacceptable behaviour

- (a) on school grounds, on property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop or on a school bus; or
- (b) at a location, activity, function or program that is off school grounds and is not school-sponsored or school-related, if the behaviour significantly disrupts the learning climate of the school,

the principal or the person in charge of the school may take appropriate action as specified in the Provincial school code of conduct policy including suspending the student for a period of not more than 10 school days.

28 (1) Where a student is suspended under Section 27, the principal or other person in charge of the school shall immediately notify, in writing or by electronic means, the student, the student's parents, the student's teachers and the regional centre of the reasons for the suspension.

(2) The student or the student's parents may request a review of the suspension by the regional centre within five school days of receiving the notice under subsection (1).

(3) The regional centre shall either

- (a) confirm the suspension; or
- (b) order that the suspension be revoked and that the suspension be removed from the record of the student.

(4) The decision to be made under subsection (3) must be made by

- (a) a committee established by the regional centre consisting of one or more persons but not including the regional executive director; or
- (b) where so directed by the regional centre, the school advisory council for the school or a committee of the school advisory council.

29 (1) Where a student is suspended under Section 27 and the principal is of the view that the student should be suspended for a period greater than 10 school days, the principal may, in writing, make a recommendation with reasons to the regional centre that the student be suspended for a period greater than 10 school days.

(2) When a recommendation is made under subsection (1), the regional centre shall immediately notify, in writing or by electronic means, the student and the student's parents of the principal's recommendation and reasons.

(3) Within seven days of having received the recommendation of the principal under subsection (1), the regional centre shall

- (a) dismiss the principal's recommendation; or
- (b) extend the suspension of the student for a period of greater than 10 school days.

(4) Where the suspension of a student begins within two months of the end of the school academic year, the period for which a regional centre may extend the suspension may include a portion of the next academic year.

(5) The regional centre shall notify the student, the student's parents, the student's teachers and the principal or the person in charge of the school of its decision under subsection (3) within three days of the decision being made.

(6) Where the regional centre decides to extend the suspension of the student, the regional centre shall include in its notice under subsection (5)

- (a) the period for which the student is to remain suspended;
- (b) the reasons for the decision to extend the suspension of the student; and
- (c) the right of the student and of the student's parents to appeal the decision.

(7) The decision to be made under subsection (3) must be made by a committee established by the regional centre consisting of one or more persons but not including the regional executive director.

30 (1) Where a student or a parent of a student has been notified of a decision made under subsection 29(3), the student or the parent may, within seven days of receiving such notice, appeal the decision to the regional executive director.

(2) The regional executive director shall, upon receipt of a notice of appeal,

(a) immediately notify the student and the student's parents of the time and place of the hearing of the appeal and the right of the student or parent, or both, to appear in person with or without counsel; and

(b) within 10 days of receipt of the notice of appeal, hold a hearing and confirm, revoke or vary the decision of the regional centre.

(3) Within three days of the hearing, the regional centre shall notify the student, the student's parents, the student's counsel, the student's teachers and the principal or person in charge of the school of its decision, which decision is final and binding.

(4) The regional executive director may, with the approval of the Minister, delegate the powers and duties under subsections (1) to (3) to a committee of one or more persons designated by office or name, which committee may include the regional executive director.

31 Where a student is suspended for more than 10 school days, the regional centre, in consultation with the student's parents, shall make every reasonable effort to provide alternative arrangements for the education of the student.

32 (1) The principal, or such other supervisory person as may be designated by the regional centre, may suspend a student's right to use a school bus if, in that person's judgement,

(a) the student has refused to comply with reasonable rules of the regional centre or directions given by the bus driver; or

(b) the behaviour of the student while on the bus endangers the safety of others using the bus.

(2) A person who suspends a student's right to use the school bus shall promptly notify the student's parents and the regional centre of the suspension.

(3) Where the student's right to use the school bus has been suspended for a period of more than two days, the student and the student's parents shall be notified in writing or by electronic means of the reason for the suspension and, where the suspension is for a period of more than five school days, of the right of appeal under subsection (4).

(4) Where a student's right to use the school bus is suspended for a period of more than five school days, a parent of the student or, where the student is of the age of majority, the student may, within seven days of receiving notice of the suspension, appeal the decision to suspend to the regional centre.

(5) Where a notice of appeal has been received by the regional centre, the balance of the suspension is stayed until the regional centre confirms, revokes or varies the suspension.

(6) Upon receipt of a notice of appeal, the regional centre shall

(a) notify by registered mail or electronic means the parent of the student or, where the student is of the age of majority, the student of the time and place of the hearing of the appeal; and

(b) within 10 days of receipt of the notice of appeal, hold a hearing respecting the suspension and within three school days following that hearing confirm, revoke or vary the decision to suspend.

(7) No parent or other person in charge of any student, having received from the regional centre by registered mail or electronic means, a notice of suspension of the student's right to use the school bus, shall cause, encourage or permit the student to use the bus during the period of time during which the suspension is in effect.

33 (1) Subject to subsection (2), every resident of the Province over the age of five years and under the age of 16 years shall be enrolled in and attend public school.

(2) A child is not required to attend a public school if the child

(a) is being provided with a home education program in accordance with the regulations;

- (b) is enrolled in and in attendance at a private school operating in compliance with this Act;
- (c) holds a certificate of exemption from attendance at school; or
- (d) is otherwise exempted under the regulations.

34 No person shall employ in any work during school hours a child who has not attained the age up to which attendance at school is required by the regulations unless the person holds a certificate authorizing employment of the child.

- 35** (1) A regional centre may, in accordance with the regulations,
- (a) issue to a child a certificate of exemption from attendance at school; and
 - (b) issue to a person a certificate authorizing employment of a child during school hours.
- (2) A certificate remains in effect for such period as the regional centre may determine.
- 36** (1) A regional centre may establish an attendance committee.
- (2) An attendance committee shall, in accordance with provincial policy,
- (a) monitor the attendance of students in schools in the school region;
 - (b) take steps to reduce the absenteeism of students from schools in the school region; and
 - (c) make recommendations for remedial steps with respect to those students who have been reported to the regional centre by the principal as being habitually absent from school without acceptable excuse.

37 A parent or person in charge of a child not attending school shall, within five days after having been served with a notice by the regional centre naming the child, cause the child to attend school and continue in regular attendance at school, unless the child is excused from attendance under this Act or the regulations or unless that person satisfies the regional centre that the person is unable to induce the child to attend public school.

- 38** Upon filing with a court, each of the following documents is prima facie proof of its content:
- (a) an affidavit of a person designated by a regional centre that a notice under Section 37 was served on a parent or person in charge of a child;
 - (b) a certificate purporting to be signed by a teacher, without proof of the teacher's appointment or signature, that a child was absent from school for a period of five or more school days, not necessarily consecutive, following the receipt of the warning notice by a parent or person in charge of the child.

PRINCIPALS AND VICE-PRINCIPALS

- 39** (1) The principal of a public school under the jurisdiction of a regional centre is the educational leader of the school and has management responsibility for the school, including supervision of teachers and other staff.
- (2) It is the duty of every principal to
- (a) ensure that the public school program and curricula are implemented;

- (b) keep attendance records respecting every student enrolled at the school and report thereon to the regional executive director as required by the regional executive director;
- (c) in accordance with policies established by the Minister, take all reasonable steps to secure full and regular attendance at school by the students enrolled in the school;
- (d) communicate regularly with the parents of students;
- (e) ensure that reasonable steps are taken to create and maintain a safe, orderly, positive and effective learning environment;
- (f) investigate and respond to reports of unacceptable behaviour of students, and, where the principal believes the well-being of a student has been endangered as a result of the unacceptable behaviour of any other student, notify the parents of the students;
- (g) ensure that Provincial and regional centre policies are followed;
- (h) identify the staffing needs of the school;
- (i) assist the regional executive director with the selection and hiring of staff for the school in accordance with policies established by the regional centre;
- (j) evaluate the performance of teachers and other staff of the school;
- (k) discipline teachers and other staff of the school in accordance with policies established by the regional centre;
- (l) assist the regional centre in the development and implementation of professional-development programs;
- (m) encourage teachers and other staff of the school, students and parents to participate in school decision-making through school advisory councils and committees;
- (n) participate in the establishment and operation of a school advisory council;
- (o) assist in the development of school improvement plans and, upon approval by the regional centre, co-ordinate their implementation;
- (p) account to the regional executive director for money received from the regional centre or any other source;
- (q) account to the Minister, through the regional executive director, for the performance of the school;
- (r) co-operate with the staff of other departments to better meet the needs of the students in the school; and
- (s) perform such other duties as are prescribed by this Act or the regulations or assigned by the regional executive director.

(3) A vice-principal may perform any duty of a principal assigned to the vice-principal by the principal, regional executive director or other senior staff of a regional centre, and any other duties prescribed by regulations.

40 The regional executive director, or such other senior staff member of the regional centre as the regional executive director may designate, is responsible for the evaluation of principals and vice-principals employed by the regional centre with respect to their duties, including any teaching duties.

41 (1) Subject to subsection (2), a principal or vice-principal may perform the duties of a teacher.

(2) A principal or vice-principal may not spend more than half of the principal's or vice-principal's working hours during a school year performing the duties of a teacher.

TEACHERS

- 42 (1) It is the duty of every teacher in a public school under the jurisdiction of a regional centre to
- (a) respect the rights of students;
 - (b) teach diligently the subjects and courses of study prescribed by the regulations that are assigned to the teacher by the regional centre;
 - (c) implement teaching strategies that foster a positive learning environment aimed at helping students achieve learning outcomes;
 - (d) encourage students in the pursuit of learning;
 - (e) monitor the effectiveness of the teaching strategies by analyzing outcomes achieved;
 - (f) acknowledge and, to the extent reasonable, accommodate differences in learning styles;
 - (g) participate in individual-program planning and implement individual program plans, as required, for students with special needs;
 - (h) review regularly with students their learning expectations and progress;
 - (i) conduct such assessments and evaluations as are necessary to document student progress;
 - (j) administer such evaluation and assessment instruments as required by the regional centre or by the Minister;
 - (k) take all reasonable steps necessary to create and maintain an orderly and safe learning environment;
 - (l) maintain appropriate order and discipline in the school, room or grounds in the teacher's charge and report to the principal or other person in charge of the school the conduct of any student who engages in unacceptable behaviour;
 - (m) maintain an attitude of concern for the dignity and welfare of each student and encourage in each student an attitude of concern for the dignity and welfare of others and a respect for religion, morality, truth, justice, love of country, humanity, equality, industry, temperance and all other virtues;
 - (n) attend to the health, comfort and safety of the students;
 - (o) report immediately to the principal the existence of any infectious or contagious disease in the school or the existence of any unsanitary condition in the school buildings or surroundings, and perform such duties as are from time to time prescribed by or under the *Health Protection Act*;
 - (p) take all reasonable steps to secure full and regular attendance at school of the students under the teacher's supervision;
 - (q) keep accurate attendance records and report absent students to the principal;
 - (r) communicate regularly with parents in accordance with policies established by the regional centre;
 - (s) keep such records as are required by the regional centre or the Minister and permit the inspection of those records by the regional centre, the regional executive director or regional executive director's representative, the principal, the supervisor and the Minister or Minister's representative or, upon their request, provide the records to any of them;
 - (t) assist in the development and implementation of a school improvement plan;
 - (u) maintain the teacher's professional competence;
 - (v) serve, to the extent reasonable, on committees established within the school to improve student achievement and success;

- (w) implement programs and courses as prescribed by the public school program;
- and
- (x) perform such other duties as are prescribed by this Act or the regulations.

(2) A teacher is accountable to the regional centre through the principal of the teacher's assigned school with respect to the performance of the teacher's responsibilities.

43 A teacher has general oversight and supervision over school premises during school hours and, subject to the authority of the regional centre and the principal, may exclude from those premises any person who is not a student enrolled in the school and disturbs the learning environment.

44 Except as provided in this Act or the regulations, a regional centre shall not engage as a teacher or permit to teach in a public school a person who does not hold a teacher's certificate or permit under this Act.

45 Every regional centre and every teacher employed by a regional centre shall admit to classrooms under the jurisdiction of the regional centre students who are enrolled in a teacher training course approved by the Minister and the instructors of those students for the purpose of observation and teaching practice, and shall give them any assistance requested by the instructors.

46 (1) A determination under this Act or the former Act of the classification, reclassification, certificate or permit of a teacher, whether made before or after the coming into force of this Act, is final and binding.

(2) No determination under this Act or the former Act of the classification, reclassification, certificate or permit of a teacher, whether made before or after the coming into force of this Act, gives rise to any cause of action for damages, retroactive remuneration or other loss or damage of any kind.

(3) Notwithstanding subsection (2), retroactive remuneration may be paid to a teacher as the result of a reclassification in accordance with the terms of a professional agreement between the Minister and the Nova Scotia Teachers' Union setting out conditions with respect to the effective date of reclassification for salary purposes.

47 Where a regional centre that has authority to engage a teacher engages a teacher other than a substitute teacher, the regional centre shall enter into a written contract with the teacher in such form as may be approved by the Minister.

48 Notwithstanding any other provision of this Act, or any contract or agreement between or governing a regional centre and a teacher,

(a) the date for a teacher giving notice of termination of the teacher's contract is deemed to be April 15th in the year in which the contract is to be terminated at the end of the school year; and

(b) the date for a regional centre giving notice of termination of a teacher's contract is deemed to be May 15th in the year in which the contract is to be terminated at the end of the school year.

49 A regional centre may suspend, for just cause, with or without loss of salary but without loss of other benefits, any teacher in its employ at any time for a reasonable period, and a written report stating the reason for the suspension must be furnished to the teacher within seven days of the date of suspension.

50 (1) A regional centre may, at any time, for just cause, by notice in writing, discharge any teacher in its employ.

(2) Where a regional centre terminates a probationary contract, the termination is not subject to any grievance procedure provided in a contract relating to the employment of the teacher or to any appeal.

51 Nothing in this Act prevents a teacher from terminating a contract in accordance with the terms and conditions of the contract or in accordance with any method permitted by law.

SUPPORT STAFF

- 52 (1) It is the duty of every support staff member of a regional centre to
- (a) support students in their participation in school activities;
 - (b) maintain an attitude of concern for the dignity and welfare of each student;
 - (c) co-operate with the regional centre, regional executive director, principal, teachers, students and other staff members to maintain an orderly, safe and supportive learning environment;
 - (d) report to the principal or other person in charge of a school the conduct of any student who engages in unacceptable behaviour;
 - (e) respect the rights of students;
 - (f) participate in staff-development opportunities identified by the person to whom the staff member reports, if requested to do so; and
 - (g) subject to any applicable collective agreement in effect when this Act comes into force, perform such other duties as are assigned by the regional centre, the regional executive director or the principal.

(2) Every support staff member employed in a school is accountable to the principal or other person designated by the regional centre.

VOLUNTEERS

53 (1) A regional centre may permit volunteers to assist in its schools in accordance with applicable policies.

(2) Where a regional centre permits volunteers to assist in its schools, it shall establish policies respecting the role of the volunteers consistent with any provincial volunteer policy established by the Minister.

REGIONAL CENTRES FOR EDUCATION

54 The Minister is hereby constituted a corporation sole as a regional centre with respect to each of the former regional school boards dissolved by this Act.

- 55 (1) The Governor in Council, on the recommendation of the Minister, may
- (a) establish or dissolve a regional centre or amalgamate a regional centre with another regional centre;
 - (b) designate a geographic area of the Province as a school region to be served by a regional centre;
 - (c) alter the boundaries of a school region;
 - (d) annex the whole or any part of a school region to another school region; and
 - (e) determine the name of a regional centre or a school region.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

56 A regional centre has the capacity and, subject to this Act and the regulations, the rights, powers and privileges of a natural person.

57 For the purpose of this Act and in the exercise of the powers and the performance of the duties of a regional centre, the Minister is an agent of Her Majesty in right of the Province.

58 Actions, suits or other legal proceedings with respect to any right or obligation acquired or incurred by a regional centre may be brought or taken by or against the regional centre in the name of the regional centre in the manner provided by the *Proceedings Against the Crown Act* for an action against Her Majesty in right of the Province.

59 A regional centre, its property and assets are not subject to taxation.

60 For the purpose of Sections 80 and 81 of the *Municipal Government Act* and Sections 103 and 104 of the *Halifax Regional Municipality Charter*, property vested in a regional centre is considered to be the property of Her Majesty in right of the Province.

61 A regional centre shall, in accordance with this Act and the regulations,

- (a) promote excellence in education and the achievement of all students enrolled in its schools and programs;
- (b) develop and implement educational programs for students with special needs within regular instructional settings with their peers in age, in accordance with the regulations and the Minister's policies and guidelines;
- (c) manage and control its public schools, programs and related services in the school region under its jurisdiction;
- (d) provide for the education and instruction of all students enrolled in its schools and programs in accordance with this Act and the regulations;
- (e) facilitate vibrant community involvement in the effective delivery of education, including engagement and consultation with school advisory councils on issues within the prescribed mandate of the school advisory councils; and
- (f) represent regional perspectives in the development of provincial and local policies and programs.

62 A regional centre may, in the performance of its duties,

- (a) work with and share services with another regional centre, the Conseil scolaire acadien provincial, the Bureau or a department;
- (b) hire, pay, promote, demote, reassign, discipline and dismiss staff of the regional centre;
- (c) acquire, hold and dispose of personal and real property;
- (d) enter into agreements with any persons, municipalities, organizations or governments to advance the purpose of this Act, administer programs or provide for services;
- (e) where directed by the Minister, provide such programs and services as the Minister considers desirable; and
- (f) subject to the direction of the Minister, do such things as may be necessary for or incidental to the exercise of its powers and the performance of its duties.

63 The operations of a regional centre are to be supported by the Department and may be supported by the Bureau as and in the manner prescribed by the Minister.

- 64** Under the direction of the Minister, the Deputy Minister of the Department shall
- (a) supervise the administration and management of the regional centres; and
 - (b) perform such duties as the Minister or the Governor in Council assigns to the Deputy Minister.

REGIONAL EXECUTIVE DIRECTORS OF EDUCATION

65 (1) The Minister shall appoint a regional executive director of education for a regional centre.

(2) A regional executive director is an employee of the Department.

66 (1) A regional executive director is accountable to the Deputy Minister of the Department and, subject to this Act, the regulations and the direction of the Minister, has overall responsibility for

- (a) the efficient operation of the regional centre office and public schools and services in the school region;
- (b) the supervision of all employees of the regional centre; and
- (c) the educational performance of the students and schools in the school region.

(2) It is the duty of every regional executive director to

- (a) administer and evaluate the programs offered by the regional centre;
- (b) oversee the carrying out of Provincial policies and the regional centre's policies;
- (c) ensure that schools in the school region adhere to the public school program;
- (d) maintain a safe, orderly and supportive learning environment in all schools in the school region;
- (e) provide leadership in the school region and work closely with principals and staff in promoting quality education, enhanced community involvement and the efficient delivery of the public school program and related services;
- (f) establish performance standards and a process for the supervision and evaluation of staff;
- (g) co-operate with other education entities, the Department and other departments to ensure the effective and efficient carrying out of this Act and the regulations;
- (h) report annually on the performance of the students and schools in the school region and upon such other matters as the Minister may direct; and
- (i) perform such other duties as are prescribed by this Act or the regulations or assigned by the Minister.

FUNDING

67 The Minister shall, in each fiscal year, provide to a regional centre and each municipality, that in accordance with this Act is to make payments to the regional centre, a statement for the immediately following fiscal year of

- (a) the amount of financial assistance to be paid by the Minister to the regional centre;
- (b) the total of the minimum municipal contributions to be paid by the municipalities to the regional centre; and

(c) the rate, as determined by the regulations, to be used in determining the minimum municipal contributions.

68 Within 30 days of receipt from the Minister of a statement under Section 67, a regional centre shall submit to each municipality in the school region, a statement setting out, for the fiscal year with respect to which the Minister's statement is made,

- (a) the amount of the minimum municipal contribution that the municipality is required to pay under clause 70(1)(a); and
- (b) any additional amount that the municipality is requested to pay under clause 70(1)(b).

69 Within 90 days of receipt of the Minister's statement under Section 67, a regional centre shall prepare, in the form prescribed by the Minister, a statement of all estimated revenues and expenditures for the education program and services proposed by the regional centre.

70 (1) Unless an agreement made between a municipality and regional centre under subsection (2) otherwise provides, a municipality shall pay to the regional centre

- (a) the minimum municipal contribution that is required to be paid by the municipality to the regional centre; and
- (b) to the extent that the amount has been approved by the municipality, the municipality's proportion of the amount that is requested by the regional centre to provide for the estimated expenditures of the regional centre, after deducting
 - (i) the amount of the Minister's contribution as set out in the Minister's statement under Section 67, and
 - (ii) the sum of the minimum municipal contributions to be made by the participating municipalities under clause (a).

(2) Notwithstanding subsection (1), a regional centre may, with the consent of the Minister and by agreement with all the municipalities within the school region, vary the minimum municipal contribution of each of the municipalities within the school region if the combined minimum municipal contributions made under the agreement equal the total minimum municipal contributions due to the regional centre under subsection (1).

(3) The amount required to be paid to a regional centre by a municipality under subsection (1) shall be paid in 12 equal monthly instalments in each fiscal year unless the regional centre and the municipality agree otherwise.

71 Where the council of a municipality refuses or neglects to make provision for or to pay to the regional centre the amounts payable to the regional centre under Section 70, the regional centre may borrow the amount, or so much thereof as is so refused or withheld, from any bank or person who will advance the same, and the amount so advanced, together with interest and all other borrowing and recovery expenses, may be recovered in an action against the municipality.

SCHOOL FACILITIES

72 A regional centre may close a school in accordance with a process approved by the Minister.

73 A public school is deemed to be permanently closed if

- (a) all of the school buildings have been vacant for at least one school year prior to the coming into force of this Section;
- (b) the buildings are not being renovated; and
- (c) no students are attending the school.

74 A regional centre may declare any building used for public school purposes or any part of a building used for public school purposes, or the appurtenances or grounds thereof, to be unfit for public school purposes.

75 (1) A regional centre may enter into and carry out a lease or agreement for the renting of premises for public school purposes.

(2) No lease or agreement may be entered into under subsection (1) that

(a) fails to place the rental premises completely under the control of the regional centre; or

(b) contains any undertaking or agreement that abridges or modifies any power or duty of the regional centre.

76 When a regional centre declares that a school house or building used for public school purposes or a part of a school house or such a building or the appurtenances or grounds thereof are unfit for public school purposes, the regional centre shall notify the municipality in which the school house or building is located and, unless otherwise provided by the regional centre, the declaration takes effect at the commencement of the next academic school year, and the school house or building or part thereof or grounds or appurtenances may not thereafter be used for school purposes without the approval of the regional centre.

77 (1) A building owned by a municipality and used for school purposes by a regional centre is under the exclusive control and management of the regional centre and the regional centre is responsible for providing adequate maintenance and repairs and shall insure the building in an amount agreed upon by the municipality and the regional centre.

(2) The regional centre shall notify the municipality if land and buildings owned by the municipality are no longer required for the purposes of the regional centre.

78 (1) Where alterations, additions or improvements are made to public school property owned by a municipality, the municipality holds such property upon trust that the regional centre is entitled to receive

(a) in the event of the sale of such property; or

(b) in the event of partial or complete destruction of the property,

the proportion of the proceeds from the sale, or any insurance recovery, less any amount required to be paid to Her Majesty in right of the Province under subsection (3), that the value of alterations, additions or improvements made by or on behalf of the regional centre is to the appraised value of the whole property, and such proportion must be paid as directed by the Minister.

(2) Notwithstanding subsection (1), where a building owned by a municipality or the regional centre and used for public school purposes is partially or completely destroyed and the regional centre requires that the building be repaired or replaced, the regional centre is entitled to receive the proceeds from any insurance recovery and shall pay the proceeds as directed by the Minister.

(3) Where a municipality receives the proceeds from an insurance recovery with respect to a building owned by the municipality and used for school purposes and there is debt owed on the school property for which Her Majesty in right of the Province is responsible, the municipality shall pay the amount of the outstanding debt to Her Majesty in right of the Province out of the insurance recovery.

COMMUNITY FACILITIES

79 (1) A regional centre and a municipality may enter into an agreement whereby the municipality agrees to pay the capital cost of a community facility to be acquired by the regional centre in or in association with a public school and the cost of maintaining and operating the community facility.

- (2) For the purpose of this Act, a school property includes a proposed school property.
- (3) For the purpose of this Act, the capital cost of a community facility or a school property includes all costs incurred in acquiring the community facility or the school property, including costs of acquiring land and costs of designing, constructing, furnishing and equipping the community facility.
- (4) An agreement may not be entered into unless the agreement relates to a community facility that is part of a school property, and a municipality may not pay the capital cost of a community facility that is an alteration, addition or improvement to a school property except under an agreement.
- (5) An agreement with respect to a community facility must
- (a) describe the community facility and school property to which the agreement relates;
 - (b) set out the capital cost of the community facility, expressed as either
 - (i) an amount of money, or
 - (ii) a proportion of the combined capital cost of the community facility and the school property to which the agreement relates;
 - (c) set out the respective obligations of the parties to the agreement respecting the operation and maintenance of the community facility;
 - (d) set out the respective rights of the parties to the agreement with respect to access to and use of the community facility; and
 - (e) include such provisions as are necessary or conducive to carrying out the intent and purpose of the agreement.
- (6) A copy of an agreement with respect to a community facility, executed by both parties thereto, and on which is endorsed the approval of the Minister, must be filed with the Minister, the Minister of Municipal Affairs and the Minister of Communities, Culture and Heritage.

- 80** (1) A regional centre and a municipality may
- (a) do every act, exercise every power and expend every sum of money necessary or proper for the purpose of implementing in every respect all of its obligations under an agreement with respect to a community facility; and
 - (b) do and perform the acts, matters and things that the agreement provides be done or performed by them in the manner, with the effect and under the conditions stipulated and provided in the agreement.
- (2) All money required for the payment or performance by the municipality of its obligations under an agreement with respect to a community facility is deemed to be money required for the ordinary lawful purposes of the municipality and must be levied, raised and collected in all respects as other money required for the ordinary lawful purposes of the municipality is levied, raised and collected.
- (3) For the purpose of raising money to pay or perform its obligations under an agreement with respect to a community facility, the municipality may recover annually, from the area that benefits from the community facility to which the agreement relates, the amount required to pay such amounts by an area rate to be collected in the same manner as municipal rates and taxes with the same rights and remedies in the event of default of payment and, for greater certainty, the amount may be rated without a petition of the ratepayers.
- (4) Any money required by the municipality for the purpose of paying the capital cost of a community facility under an agreement may be borrowed, and such borrowing is and is deemed to be for a municipal purpose within the meaning of the *Municipal Government Act* and the *Halifax Regional Municipality Charter*.

81 (1) Where the community facility to which the agreement relates is an alteration, addition or improvement to a school property owned by a regional centre, the regional centre holds the school property in trust.

- (2)** The municipality is entitled to receive
- (a) in the event of the sale of the property; or
 - (b) in the event of partial or complete destruction of the property,

a share of the proceeds from the sale or any insurance recovery, less any amount required to be paid to Her Majesty in right of the Province under this Act.

(3) The municipality's share is equal to the proportion that the capital amount paid by the municipality under the agreement bears to the appraised value of the whole property.

(4) Every amount recovered by the municipality under this Section must be paid into the special reserve fund of the municipality.

(5) A regional centre may not sell a school property to which an agreement with respect to a community facility relates without first offering to sell the school property to the municipality.

82 Nothing in this Act respecting an agreement with respect to a community facility means or may be construed to mean that either a municipality or a regional centre is relieved from obtaining a consent or approval of the Minister or the Minister of Municipal Affairs required by this or another enactment.

HOME EDUCATION

83 (1) A parent may provide to a child of the parent a home education program centred in the child's home.

- (2)** A parent providing a home education program to a child shall, as prescribed by the regulations,
- (a) register the child for each school academic year with the Minister; and
 - (b) report the child's progress to the Minister.

(3) With the approval of the regional centre, a child in a home education program may attend courses offered by a regional centre, subject to any terms and conditions prescribed by the regional centre.

(4) The Minister may require the parent of a child in a home education program to provide evidence of the child's educational progress by providing one or more of the following as the parent determines:

- (a) results of a standardized test;
- (b) an assessment from a qualified assessor;
- (c) a portfolio of the child's work.

(5) Notwithstanding subsection (4), where, in the Minister's opinion, further evidence of a child's educational progress is required, the Minister may appoint an independent assessor to assess and report to the Minister whether

- (a) the child is making reasonable educational progress;
- (b) the home education program is adequately addressing the child's needs; and
- (c) the available public school program would do more to further the child's educational progress than the home education program.

(6) A parent may request that a child in a home education program be assessed, in accordance with the regulations, through an assessment instrument authorized by the Minister to determine the child's educational progress.

(7) Where, following participation in a home education program, a child enrolls in a public school under the jurisdiction of a regional centre, the regional centre shall determine the child's grade placement.

84 (1) A parent may not provide or continue to provide a home education program to a child if, based on the evidence provided and the report made under Section 83, the Minister determines that

(a) the home education program does not meet the requirements of this Act and the regulations; or

(b) the child is not making reasonable educational progress as determined by the child's performance.

(2) Before making a determination under subsection (1), the Minister shall

(a) notify the parent, in writing, by registered mail of the Minister's intent to make the determination; and

(b) give the parent an opportunity to make representation to the Minister in writing as to why the home education program should be provided or continued.

PRIVATE SCHOOLS

85 A child may attend a private school.

86 (1) A private school

(a) must meet local health, safety and building standards;

(b) shall give notice of its operation with the Minister in the manner required by the Minister;

(c) provide statistical information with respect to the school, as required by the Minister; and

(d) where requested by the Minister, provide evidence that students are making reasonable educational progress appropriate for their age and grade level based upon results of nationally or internationally recognized standardized achievement tests.

(2) The Minister may appoint or designate a regional education officer to assess a private school, including its teachers, its educational programs and its instructional materials, to inspect its facilities and to perform such other duties with respect to the private school as the Minister may require.

(3) A private school may offer a religious-based curriculum.

87 Upon application by a private school to the Minister in accordance with the regulations, the Minister may recognize the school's program of studies as meeting the requirements for a high school leaving certificate.

NOVA SCOTIA EDUCATION COMMON SERVICES BUREAU

88 The Minister is hereby constituted a corporation sole under the name of the Nova Scotia Education Common Services Bureau.

89 The objects of the Bureau are

- (a) to provide services to support the efficient administration and operation of the education system;
- (b) to provide and administer services for the benefit of individuals or groups related to the education system, including the administration of pensions and benefits to designated individuals employed by education entities; and
- (c) such other things as in the Minister's discretion may be desirable.

90 Subject to the direction of the Minister, the Bureau may do all things necessary or desirable for the attainment of its objects or incidental thereto including, without limiting the generality of the foregoing,

- (a) provide the services it is required to provide under the regulations;
- (b) hire, pay, promote, demote, reassign, discipline and dismiss staff of the Bureau;
- (c) purchase, acquire, lease and hold real and personal property and sell, convey and lease, mortgage or transfer the same;
- (d) borrow money from any person or corporation and give security for any money so borrowed on any of the real and personal property of the Bureau by way of mortgage or otherwise;
- (e) accept and administer all gifts, legacies or bequests that may be given to the Bureau, a regional centre or the Department;
- (f) expend any money of the Bureau; and
- (g) charge the fees set under the regulations.

91 (1) In this Section, "records" means records as defined in the *Freedom of Information and Protection of Privacy Act*.

(2) Records collected or used by the Bureau for the purpose of providing shared services to an education entity, department or public sector entity may be deemed by the regulations to be in the custody or under the control of the Bureau or an education entity, department or public sector entity for the purpose of the *Freedom of Information and Protection of Privacy Act*.

GENERAL

92 (1) The payments made by the Minister or a regional centre for all or a portion of the cost of any policy of insurance or any other benefits plan provided to teachers including, without limiting the generality of the foregoing, life insurance, accidental death and dismemberment insurance or medical and dental plans are financial assistance for the purpose of the *Auditor General Act* and subject to audit by the Auditor General.

(2) The Auditor General is entitled to free access at all times to the records, documents, books, accounts and vouchers of a regional centre and to receive from the officers and employees of the regional centre such information and explanations that, in the opinion of the Auditor General, are necessary for the performance of the Auditor General's duty.

(3) Every official and employee of a regional centre shall promptly provide to the Auditor the access, information and explanations to which the Auditor General is entitled.

93 The Minister may collect, directly and indirectly, and use personal information for

- (a) administering this Act and the regulations and implementing the policies, guidelines and directives made under this Act;
- (b) ensuring compliance with this Act, the regulations and the policies, guidelines and directives made under this Act;

- (c) planning or delivering programs or services that the Minister provides or funds, in whole or in part, allocating resources to any of them and evaluating or monitoring any of them; and
- (d) research and statistical activities that relate to education and are conducted by or on behalf of the Government.

94 A regional centre may collect, use and disclose to the Minister personal information for the purposes of

- (a) planning and management of public schools and programs and services under its jurisdiction;
- (b) research and statistical activities that relate to education and are conducted by or on behalf of the regional centre or the Minister; and
- (c) such other necessary purpose determined by the Minister.

95 (1) The Minister may not collect or use personal information if other information would serve the purpose of the collection or use.

(2) The Minister may not collect or use more personal information than is reasonably necessary to meet the purpose of the collection or use.

96 (1) No person shall, in or upon any public school premises or school bus and in the presence of any student attending that school, use profane, threatening, abusive or improper language towards a teacher, other staff of the education entity or the bus driver, or speak or act in such a way as to impair the maintenance of discipline by the teacher in the school or the bus driver on the school bus.

(2) No person shall wilfully interrupt or disturb the proceedings of a school meeting or a public school by acting in a disorderly manner or by making a noise either within the place where the meeting is held or the school is conducted or so near thereto as to interfere with the proceedings of the meeting or the conduct of the school.

(3) Every person who contravenes this Section is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000 or to imprisonment for six months, or to both.

97 (1) The Minister may make regulations

- (a) prescribing the public school program of education to be provided and administered by education entities;
- (b) prescribing the time in session, holidays and vacations of all public schools;
- (c) prescribing the minimum number of hours of instruction to which students in public schools are entitled;
- (d) prescribing courses of study and authorizing learning materials for use in public schools;
- (e) respecting the administration of the Nova Scotia School Book Bureau;
- (f) respecting the composition of and terms and conditions for membership on PACE;
- (g) after consultation with the Council on Mi'kmaq Education, respecting the Council on Mi'kmaq Education;
- (h) after consultation with the Council on African-Canadian Education, respecting the Council on African-Canadian Education;
- (i) respecting school advisory councils and regional school advisory councils, including their establishment, composition, powers, duties and other functions and the terms and conditions upon which their members serve;

- (j) establishing a provincial policy respecting special-education programming and services;
- (k) prescribing an appeal process for where there is a disagreement between a regional centre and a parent of a child with special needs respecting an individualized program plan for that child;
- (l) respecting students who have been suspended;
- (m) defining “senior staff”;
- (n) respecting an administrative structure for senior staff and regional executive directors, where senior staff is not defined to include them;
- (o) for the support, conduct, operation and management of public schools and services;
- (p) respecting the circumstances under which a school may be permanently closed;
- (q) prescribing reporting systems and forms for the administration and effective carrying out of this Act;
- (r) respecting the objects, duties and powers of the Bureau;
- (s) respecting services to be provided by the Bureau;
- (t) any other matter the Minister considers desirable to effectively carry out the objects of the Bureau.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

98 (1) The Governor in Council may make regulations

- (a) prescribing the legal age limit for students and the conditions of satisfactory attendance for public schools;
- (b) respecting mandatory attendance at school for residents between the ages of five and 16 years;
- (c) prescribing the terms and conditions for the admittance of international students;
- (d) respecting the fees to be paid by international students;
- (e) prescribing the fees to be paid to the Minister for services rendered by the Department;
- (f) respecting the remuneration of and reimbursement for expenses incurred by members of PACE;
- (g) respecting the remuneration of and reimbursement for expenses incurred by members of the Council on Mi’kmaq Education;
- (h) respecting the remuneration of and reimbursement for expenses incurred by members of the Council on African-Canadian Education;
- (i) respecting students with special needs attending approved special education private schools, including
 - (i) defining special needs,
 - (ii) determining eligibility requirements of students,
 - (iii) approving special education private schools,
 - (iv) respecting the monitoring of approved special education private schools,
 - (v) respecting the funding with respect to students with special needs attending approved special education private schools, including grants or funding based on income,
 - (vi) prescribing fees,

- (vii) providing for the appointment and remuneration of a person to approve applications for funding referred to in subclause (v),
- (viii) respecting appeals, and
- (ix) authorizing the Minister to perform the functions referred to in subclauses (i) to (viii);
- (j) respecting certificates of exemption from attendance at school and certificates authorizing employment of a child during school hours;
- (k) respecting the classification of teachers and the granting, cancellation and suspension of teacher's certificates and permits, and requiring the collection and payment of fees respecting initial certificates, duplicate certificates and renewal certificates and higher classes of certificates and statements of professional standing;
- (l) prescribing restrictions or conditions on a teacher's certificate or a teaching permit;
- (m) authorizing the holder of a teacher's certificate or a teaching permit to surrender the certificate or teaching permit;
- (n) respecting the reporting of the suspension or cancellation of, or restrictions or conditions on, a teacher's certificate or a teaching permit to education entities in the Province and teacher certification authorities within or outside of Canada;
- (o) requiring teachers and any other class or classes of employees of education entities or of persons providing services for education entities to undergo medical examinations, prescribing the nature of those examinations and the conditions under which they must be given and, subject to the *Health Protection Act*, prescribing the conditions under which such teachers and employees may continue teaching or in employment in or in connection with public schools;
- (p) prescribing terms and conditions relating to cancellation, suspension or modification of contracts between teachers and education entities as a result of medical examinations made under the regulations;
- (q) respecting the constitution of regional centres including, without limiting the generality of the foregoing,
 - (i) respecting the establishment or dissolution of a regional centre and the amalgamation of regional centres,
 - (ii) designating a geographical area of the Province as a school region to be served by a regional centre,
 - (iii) altering the boundaries of a school region,
 - (iv) respecting the annexation of a school region to another school region, and
 - (v) determining the name of a school region;
- (r) respecting regional centres and their role in
 - (i) the education and instruction of students, and
 - (ii) the control and management of public schools within their respective jurisdictions;
- (s) prescribing duties of the regional executive director, senior staff of a regional centre, principals, vice-principals and teachers;
- (t) respecting the expenditure, by way of grants, of moneys from time to time appropriated by the Legislature for grants for educational purposes and prescribing the terms and conditions upon which such grants shall be paid;
- (u) subject to subsection (2), determining the rate to be used in determining the minimum municipal contribution;
- (v) respecting the construction, location and control of public school buildings;

- (w) respecting the use of shared services by education entities;
- (x) respecting home education programs including, without limiting the generality of the foregoing,
 - (i) defining “standardized test”, “qualified assessor”, “portfolio of the child’s work” and “independent assessor”,
 - (ii) respecting the appointment of independent assessors, and
 - (iii) respecting the assessment of a child in a home education program through an assessment instrument;
- (y) respecting private schools;
- (z) respecting fees that may be charged for services of the Bureau;
- (za) deeming records to be or not be in the custody or control of the Bureau or an education entity, department or public sector entity for the purpose of Section 91;
- (zb) respecting confidentiality of information held by an education entity or a school with respect to students and the release of such information;
- (zc) defining any word or expression used but not defined in this Act;
- (zd) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The rate determined under clause (1)(u) must be no greater than a rate that would increase the total of the minimum municipal contributions from the total minimum municipal contributions in the immediately preceding fiscal year by the annual average percentage increase in the Consumer Price Index for the Province for the preceding calendar year.

(3) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

TRANSITIONAL AND CONSEQUENTIAL AMENDMENTS

- 99 (1)** In this Section,
- (a) “benefits” means, with respect to an employee, benefits to which the employee is entitled under a collective agreement or contract of employment;
 - (b) “predecessor entity” means a regional school board or the Nova Scotia School Boards Association;
 - (c) “successor entity” means,
 - (i) with respect to a predecessor entity that is a regional school board, the regional centre that succeeds the regional school board, and
 - (ii) with respect to the Nova Scotia School Boards Association, the Bureau.
- (2)** Subject to subsection (3), upon the coming into force of this Section,
- (a) the predecessor entities are dissolved;
 - (b) the assets and liabilities of each predecessor entity become the assets and liabilities of its successor entity;
 - (c) the vesting of any asset of a predecessor entity in its successor entity does not void any policy of insurance with respect to the asset, including any public liability insurance, and the successor entity is deemed to be the insured party for the purpose of any such policy;
 - (d) every successor entity is substituted for its predecessor entity with respect to any agreement to which the predecessor entity was a party;

(e) every employee of a predecessor entity becomes the employee of its successor entity and is deemed to have been employed by the successor entity for the same period of employment that the employee was credited with as an employee of the predecessor entity;

(f) for greater certainty, the continuity of employment of an employee of a predecessor entity is not broken by the effect of clause (e);

(g) every individual who becomes the employee of a successor entity under clause (e) is employed by the successor entity on the same terms and conditions as to salary and benefits as those under which the individual was an employee of its predecessor entity, until lawfully changed;

(h) benefits accumulated by an employee of a predecessor entity are vested in the employee and the employee is entitled to receive those benefits from the successor entity;

(i) for greater certainty, every successor entity assumes the obligations of its predecessor entity with respect to any pension plan applicable to the predecessor entity;

(j) any disciplinary matter with respect to a member of the staff of a regional school board that was commenced and not concluded before April 1, 2018, may be continued with respect to the member as an employee of the regional centre that succeeds the regional school board.

(3) Upon the coming into force of this Section,

(a) an individual employed by a regional school board as the superintendent of schools becomes an employee of the Department as the regional executive director of the regional centre that succeeds the regional school board and is deemed to have been employed by the Department for the same period of employment that the individual was credited with as an employee of the regional school board;

(b) for greater certainty, the continuity of employment of an individual referred to in clause (a) is not broken by the effect of that clause;

(c) every individual who becomes a regional executive director under clause (a) is employed by the Department on the same terms and conditions as to salary and benefits as those under which the individual was an employee of a regional school board, until lawfully changed;

(d) benefits accumulated by an individual employed as a superintendent of schools are vested in the individual and the individual is entitled to receive those benefits from the Department; and

(e) for greater certainty, the Department assumes the obligations of a regional school board with respect to any pension plan applicable to the superintendent of schools of the regional school board.

100 A school advisory council established under the former Act is continued until July 31, 2018, or replaced by a school advisory council or regional school advisory council established under this Act, whichever is earlier.

101 Clause 2(c) of Chapter 32 of the Acts of 2010, the *Anti-idling Act*, is amended by striking out “a school board” in the second line and substituting “an education entity”.

102 Chapter 194 of the Revised Statutes, 1989, the *Atlantic Provinces Special Education Authority Act*, is amended by adding immediately after Section 3 the following Section:

3A In this Act, as the circumstances require,

(a) a reference to a school board is to be read as a reference to an education entity, as defined in the *Education Act*;

(b) a reference to a superintendent is to be read as a reference to a regional executive director of education, as defined in the *Education Act*; and

(c) a reference to a chairman of a school board is to be read a reference to the Minister.

103 Section 41 of Chapter 70 of the Revised Statutes, 1989, the *Civil Service Act*, is amended by striking out “school board” in the fourth line and substituting “member of the Conseil scolaire acadien provincial”.

104 Clause 13(1)(b) of Chapter 122 of the Revised Statutes, 1989, the *Defamation Act*, is amended by striking out “school board, board of education,” in the second and third lines and substituting “the Conseil scolaire acadien provincial, a”.

105 Section 1 of Chapter 1 of the Acts of 1995-96, the *Education Act*, is amended by adding “(CSAP)” immediately after “*Education*” in the first line.

106 Chapter 1 is further amended by adding immediately after Section 3 the following Section:

3A (1) This Act only applies to matters respecting the Conseil acadien.

(2) In the event of a conflict between this Act and the *Education Act*, the *Education Act* prevails.

107 Clause 5(c) of Chapter 5 of the Acts of 2011, the *Elections Act*, is amended by striking out “school boards” in the first line and substituting “the Conseil scolaire acadien provincial”.

108 Clause 6(s) of Chapter 5 is repealed.

109 Subsection 21(2) of Chapter 5 is amended by striking out “school boards” in the second line and substituting “education entities, as defined in the *Education Act*,”.

110 (1) Subsection 62(1) of Chapter 5, as amended by Chapter 7 of the Acts of 2016, is further amended by striking out “school board” in the third line and substituting “the Conseil scolaire acadien provincial”.

(2) Clause 62(3)(a) of Chapter 5 is amended by striking out “school boards” in the second line and substituting “the Conseil scolaire acadien provincial”.

(3) Subsection 62(4) of Chapter 5 is amended by

(a) striking out “school board” in the first line and substituting “the Conseil scolaire acadien provincial”; and

(b) striking out “school board” in the last line and substituting “Conseil”.

(4) Subsection 62(6) of Chapter 5 is amended by

(a) striking out “A school board” in the first line and substituting “Where the Conseil scolaire acadien provincial is”;

(b) adding “, it” immediately after “(3)(a)” in the second line;

(c) striking out “an” in the second line and substituting “the”; and

(d) striking out “school board” in the third line and substituting “Conseil”.

111 (1) Subsection 20(1) of Chapter 6 of the Acts of 2002, the *Fire Safety Act*, is amended by

(a) relettering clause (a) as (aa);

(b) adding immediately before clause (aa) the following clause:

(a) “education entity”, “private school” and “public school” have the same meaning as in the *Education Act*;

and

(c) repealing clause (b).

(2) Clause 20(2)(a) of Chapter 6 is amended by striking out “a school board” in the first line and substituting “an education entity”.

112 Subclause 3(1)(ea)(iii) of Chapter 5 of the Acts of 1993, the *Freedom of Information and Protection of Privacy Act*, is repealed and the following subclause substituted:

(iii) an education authority as defined in the *Education Act*,

113 Subsection 3A(2) of Chapter 5, as enacted by Chapter 11 of the Acts of 1999 (2nd Session), is amended by striking out “as defined in the *Education Act*” in the third line.

114 Subclause 12(1)(a)(ii) of Chapter 5 is repealed and the following subclause substituted:

(ii) a municipal unit or the Conseil scolaire acadien provincial,

115 Subclause 14(1)(c)(ii) of Chapter 7 of the Acts of 1995-96, the *Government Records Act*, is repealed and the following subclause substituted:

(ii) any education entity as defined in the *Education Act*,

116 Section 3 of Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, as amended by Chapters 16 and 64 of the Acts of 2010, Chapter 4 of the Acts of 2011, Chapter 63 of the Acts of 2012 and Chapter 13 of the Acts of 2017, is further amended by

(a) striking out clause (bi); and

(b) striking out “school board” in the last line of clause (bj) and substituting “education entity as defined in the *Education Act*”.

117 (1) Subsection 80(1) of Chapter 39, as amended by Chapter 15 of the Acts of 2009, is further amended by striking out “School Board” in the first and second lines and substituting “Centre for Education”.

(2) Subsection 80(3) of Chapter 39, as amended by Chapter 15 of the Acts of 2009, is further amended by striking out “School Board” in the first and second lines and substituting “Centre for Education”.

(3) Subsection 80(5) of Chapter 39, as enacted by Chapter 15 of the Acts of 2009, is amended by striking out “School Board” in the second and third lines and substituting “Centre for Education”.

(4) Subsection 80(5B) of Chapter 39, as enacted by Chapter 15 of the Acts of 2009, is amended by striking out “School Board” in the fifth line and substituting “Centre for Education”.

(5) Subsection 80(7) of Chapter 39 is amended by striking out “School Board” in the first line and substituting “Centre for Education”.

118 (1) Subsection 81(1) of Chapter 39 is amended by striking out “Section 146 of” in the last line.

(2) Subsection 81(2) of Chapter 39 is amended by striking out “School Board” in the second line and substituting “Centre for Education”.

(3) Subsection 81(4) of Chapter 39 is amended by

(a) striking out “School Board” in the fifth line of clause (a) and substituting “Centre for Education”; and

(b) striking out “School Board” in the fourth line of clause (b) and substituting “Centre for Education”.

(4) Subsection 81(7) of Chapter 39 is amended by striking out “School Board” in the second line and substituting “Centre for Education”.

119 Section 82 of Chapter 39, as amended by Chapter 15 of the Acts of 2009, is further amended by striking out “School Board” in the second line and substituting “Centre for Education”.

120 Subclause 53(1)(a)(iv) of Chapter 32 of the Acts of 2014, the *Health Authorities Act*, is repealed and the following subclause substituted:

(iv) the Conseil scolaire acadien provincial;

121 Clause 2(d) of Chapter 246 of the Revised Statutes, 1989, the *Labour Standards Code*, is amended by striking out “a school board as defined in clause (c) of Section 2 of” in the fourth and fifth lines and substituting “an education entity as defined in”.

122 Subsection 3(1) of Chapter 34 of the Acts of 2001, the *Lobbyists’ Registration Act*, as amended by Chapter 33 of the Acts of 2010, is further amended by

(a) striking out “a school board” in the fifth and in the eighth and ninth lines of clause (e) and substituting in each case “the Conseil scolaire acadien provincial”; and

(b) striking out clause (g).

123 Clause 2(j) of Chapter 292 of the Revised Statutes, 1989, the *Motor Carrier Act*, is amended by striking out “a school board” in the second line and substituting “an education entity”.

124 Clause 2(d) of Chapter 299 of the Revised Statutes, 1989, the *Municipal Conflict of Interest Act*, as amended by Chapter 6 of the Acts of 1991, is further amended by striking out “a school board pursuant to the *School Boards Act*” in the eighth line and substituting “the Conseil scolaire acadien provincial”.

125 Clause 2(1)(ae) of Chapter 300 of the Revised Statutes, 1989, the *Municipal Elections Act*, is repealed and the following clause substituted:

(ae) “school board” means the Conseil scolaire acadien provincial;

126 Section 2 of Chapter 301 of the Revised Statutes, 1989, the *Municipal Finance Corporation Act*, is amended by

(a) striking out “a school board” in the sixth line of clause (f) and substituting “an education entity”; and

(b) striking out “a school board” in the second-last line of clause (h) and substituting “an education entity”.

127 Subsection 15(2) of Chapter 301 is amended by striking out “a school board” in the second and in the fourth lines and substituting in each case “an education entity”.

128 Subclauses 2(b)(i) and (ii) of Chapter 19 of the Acts of 1990, the *Municipal Fiscal Year Act*, are repealed and the following clause substituted:

- (i) the Conseil scolaire acadien provincial,

129 Section 3 of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, as amended by Chapter 9 of the Acts of 2000, Chapters 6 and 35 of the Acts of 2001, Chapter 9 of the Acts of 2003, Chapter 40 of the Acts of 2006, Chapter 36 of the Acts of 2008, Chapter 64 of the Acts of 2010, Chapter 4 of the Acts of 2011, Chapter 63 of the Acts of 2012, Chapter 21 of the Acts of 2014 and Chapter 13 of the Acts of 2017, is further amended by

- (a) striking out clause (bm); and
- (b) striking out “school board” in the second-last and last lines of clause (bn) and substituting “education entity as defined in the *Education Act*”.

130 (1) Subsection 375(7) of Chapter 18 is amended by striking out “school board” in the second line and substituting “Conseil scolaire acadien provincial”.

(2) Subsection 375(8) of Chapter 18 is amended by

- (a) striking out “a school board” in the first line and substituting “the Conseil scolaire acadien provincial”; and
- (b) striking out “school board” in the third line and substituting “Conseil scolaire acadien provincial”.

131 Subclause 472(1)(a)(iv) of Chapter 18 is repealed and the following subclause substituted:

- (iv) an education entity as defined in the *Education Act*,

132 Clause 2(j) of Chapter 302 of the Revised Statutes, 1989, the *Municipal Grants Act*, is amended by striking out “school board” in the second-last and last lines and substituting “education entity”.

133 Chapter 317 of the Revised Statutes, 1989, the *Nova Scotia School Boards Association Act*, is repealed.

134 Clause 2(f) of Chapter 327 of the Revised Statutes, 1989, the *Ombudsman Act*, is amended by striking out “school board” in the second line.

135 Subsection 3(1) of Chapter 337 of the Revised Statutes, 1989, the *Pay Equity Act*, as amended by Chapter 41 of the Acts of 1990, is further amended by

- (a) adding immediately after clause (e) the following clause:
 - (ea) “education entity” means an education entity as defined by the *Education Act*;

and

- (b) striking out clause (q).

136 Clause 4(1)(b) of Chapter 337, as amended by Chapter 41 of the Acts of 1990, is further amended by striking out “school boards” in the second line and substituting “education entities”.

137 Subsection 11(2) of Chapter 337 is amended by striking out “school boards” in the last line and substituting “education entities”.

138 (1) Subsection 3B(1) of Chapter 44 of the Acts of 2005, the *Pre-primary Education Act*, as enacted by Chapter 14 of the Acts of 2017, is amended by striking out “a school board” in the first and second lines and substituting “an education entity”.

(2) Subsection 3B(2) of Chapter 44, as enacted by Chapter 14 of the Acts of 2017, is amended by striking out “a school board” in the second line and substituting “an education entity”.

139 Subsection 21A(4) of Chapter 238 of the Revised Statutes, 1989, the *Provincial Court Act*, as enacted by Chapter 7 of the Acts of 1998, is amended by striking out “school board” in the fifth line and substituting “the Conseil scolaire acadien provincial”.

140 Section 3 of Chapter 42 of the Acts of 2010, the *Public Interest Disclosure of Wrongdoing Act*, as amended by Chapter 26 of the Acts of 2016, is further amended by

(a) striking out “a school board” in the last line of clause (aa) and substituting “the Conseil scolaire acadien provincial or a regional executive director of education for a regional centre as defined in the *Education Act*”;

(b) adding immediately after clause (c) the following clause:

(ca) “education entity” means an education entity as defined in the *Education Act*;

(c) striking out “a school board” in the last line of clause (f) and substituting “an education entity”; and

(d) striking out clause (ia).

141 Clause 26(4)(aa) of Chapter 42, as enacted by Chapter 26 of the Acts of 2016, is amended by striking out “a school board” in the second line and substituting “an education entity”.

142 Clause 27(2)(aa) of Chapter 42, as enacted by Chapter 26 of the Acts of 2016, is amended by striking out “a school board” in the second line and substituting “an education entity”.

143 Subclause 3(p)(i) of Chapter 12 of the Acts of 2011, the *Public Procurement Act*, is amended by striking out “school boards” in the fourth and fifth lines and substituting “education entities”.

144 Section 2 of Schedule B of Chapter 4 of the Acts of 2012, the *Public Service Superannuation Act*, as amended by Chapter 3 of the Acts of 2013 and Chapter 34 of the Acts of 2014, is further amended by

(a) adding immediately after clause (r) the following clause:

(ra) “education entity” means an education entity as defined in the *Education Act*;

and

(b) striking out clause (zr).

145 Section 83 of Schedule B of Chapter 4 is amended by

(a) striking out “a school board” in the first and second lines of clause (a) and substituting “an education entity”; and

(b) striking out “a school board” in the second line of clause (b) and substituting “an education authority”.

146 Subsection 85(1) of Schedule B of Chapter 4 is amended by striking out “a school board” in the second line and substituting “an education entity”.

147 Section 3 of Chapter 34 of the Acts of 2015, the *Public Services Sustainability (2015) Act*, is amended by

(a) adding immediately after clause (h) the following clause:

(ha) “education entity” means an education entity as defined in the *Education Act*;

(b) striking out clause (p); and

(c) striking out “a school board” in the first line of paragraph (q)(ii)(A), in the first and second lines of paragraph (q)(ii)(B) and in the second line of subclause (q)(iii) and substituting in each case “an education entity”.

148 Clause 2(c) of Chapter 393 of the Revised Statutes, 1989, the *Regulations Act*, is amended by striking out “every school board, board of school trustees,” in the fourth and fifth lines and substituting “the Conseil scolaire acadien provincial, and every”.

149 Clause 3(e) of Chapter 38 of the Acts of 2014, the *Shared Services Act*, is amended by striking out “a school board” in the first and second lines and substituting “a regional centre for education”.

150 Clause 5(1)(o) of Chapter 12 of the Acts of 2002, the *Smoke-free Places Act*, is amended by striking out “a school board” in the second and third lines and substituting “an education entity”.

151 Section 13 of Chapter 1 of the Acts of 2017, the *Teachers’ Professional Agreement and Classroom Improvements (2017) Act*, is amended by striking out “26 and 31” in the second line and substituting “42 and 45”.

152 Subsection 31(8) of Chapter 475 of the Revised Statutes, 1989, the *Trade Union Act*, is amended by striking out “school board” in the third and fourth lines and substituting “education entity”.

153 Clause 4(1)(a) of Chapter 11 of the Acts of 1992, the *Utility and Review Board Act*, as amended by Chapter 18 of the Acts of 1998, is further amended by

(a) adding a comma immediately after “Act” in the fifth and sixth lines; and

(b) striking out “*School Boards*” in the seventh line and substituting “*Education*”.

154 Section 2 of Chapter 14 of the Acts of 2002, the *Volunteer Protection Act*, is amended by

(a) adding immediately after clause (b) the following clause:

(ba) “education entity” means an education entity as defined in the *Education Act*;

(b) striking out “a school board” in the seventh line of clause (f) and substituting “an education entity”; and

(c) striking out clause (g).

155 This Act has effect on and after April 1, 2018.

SCHEDULE B

**An Act Respecting the Employment Relations
of Public School Administrators**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Public School Administrators Employment Relations Act*.

2 (1) In this Act,

(a) “administrator” means a teacher who

(i) is employed by an education entity or the Minister of Education and Early Childhood Development, and

(ii) holds, including in an acting capacity, a position with greater supervisory responsibility than a department head, including a position as regional executive director of education, superintendent of schools, director, subsystem supervisor, co-ordinator, principal or vice-principal,

but does not include a teacher acting as a teacher-in-charge in accordance with a professional agreement or the holder of a teaching permit issued by the Minister;

(b) “Association” means the Public School Administrators Association of Nova Scotia incorporated by this Act;

(c) “benefit plan or service” means a benefit plan or service as defined in Section 15 of the *Teaching Profession Act*;

(d) “by-laws” means the by-laws of the Association;

(e) “memorandum of understanding” means a memorandum of understanding entered into by the parties in accordance with this Act;

(f) “Minister” means the Minister of Education and Early Childhood Development;

(g) “parties” means the Minister and the Association, whether acting on its own behalf or being represented by the Union;

(h) “professional agreement” means a professional agreement as defined in the *Teachers’ Collective Bargaining Act*;

(i) “Union” means the Nova Scotia Teachers’ Union;

(j) “unionized teacher” means a teacher as defined in the *Teachers’ Collective Bargaining Act*.

(2) Except as otherwise provided in this Act, words and expressions used in this Act have the same meaning as in the *Education Act*.

3 The Minister of Labour Relations has the general supervision and administration of this Act.

PUBLIC SCHOOL ADMINISTRATORS
ASSOCIATION OF NOVA SCOTIA

4 (1) The Public School Administrators Association of Nova Scotia is incorporated as a body corporate.

(2) The membership of the Association consists of every administrator.

(3) No person other than an administrator may be a member of the Association.

(4) The Association is deemed to be a society registered under the *Societies Act* and, subject to subsection (5), that Act applies to the Association *mutatis mutandis*.

(5) Where there is a conflict between this Act and the *Societies Act*, this Act prevails.

5 (1) The objects of the Association are to

- (a) promote the common interests of administrators;
- (b) promote and encourage student and teaching excellence within the public school system of the Province; and
- (c) make representations to and negotiate and enter into a memorandum of understanding with the Minister respecting the terms and conditions of employment for administrators and any other matters of concern to administrators.

(2) The Association may adopt additional objects compatible with the objects prescribed by subsection (1).

6 (1) The Association shall hold an initial meeting of its membership no later than August 31, 2018.

(2) Before the initial meeting, the Minister of Labour Relations may appoint an interim board of directors and make by-laws for the Association to facilitate the conduct of business at the initial meeting.

(3) The exercise by the Minister of Labour Relations of the authority contained in subsection (2) is not a regulation within the meaning of the *Regulations Act*.

7 (1) An administrator shall pay annually to the Association such fee as may be prescribed by the by-laws.

(2) The employer of an administrator shall deduct from the salary of the administrator the fee payable to the Association in twelve equal monthly instalments or in such other number of equal instalments as may be agreed upon by the employer and the Association and remit the fee to the Association.

8 (1) The Association may, either directly or through the Union, make representations to and negotiate and enter into a memorandum of understanding with the Minister respecting the terms and conditions of employment for administrators and any other matters of concern to administrators.

(2) The Association is not a bargaining agent for administrators.

MEMORANDUM OF UNDERSTANDING

9 Either party may, by notice in writing, require the other party to commence negotiations for a memorandum of understanding if

- (a) no memorandum is in effect; or
- (b) a memorandum is in effect and
 - (i) fewer than two months remain before the expiry or termination of the memorandum, or
 - (ii) the memorandum authorizes the notice to be given.

10 When negotiating a memorandum of understanding, the Minister may be advised by and shall consult with the education entities.

11 (1) The parties may enter into a memorandum of understanding respecting such matters upon which they may agree, including any matters respecting the terms and conditions of employment for administrators.

(2) The failure of the parties to comply with the memorandum of understanding does not affect the validity of any action taken by either of the parties or give rise in any person to any right or remedy.

12 (1) Where a dispute arises between the parties in respect of the interpretation of a memorandum of understanding, the parties may jointly refer the dispute to a mediator to attempt to settle the dispute.

(2) The parties shall each pay one half of the fees and expenses of the mediator to whom a dispute is referred.

EMPLOYMENT ENTITLEMENTS

13 An administrator is not an employee as defined in the *Trade Union Act* and, for greater certainty, that Act does not apply to an administrator.

14 An administrator is entitled to

- (a) receive such salary and benefits as may be prescribed by the regulations; and
- (b) participate in the Pension Plan as defined in the *Teachers' Pension Act*.

15 (1) The salary applicable to a position as an administrator must be increased by an amount proportionate to the amount by which the salary of unionized teachers is increased as a result of any increase in salary negotiated by the Union for unionized teachers.

(2) Where the salary prescribed by the regulations as being applicable to a position as an administrator is not increased in accordance with subsection (1), the employer of an individual employed in such a position shall pay to the individual the salary prescribed by the regulations and such additional amount as is necessary to comply with subsection (1).

(3) For greater certainty, nothing in this Act prevents a memorandum of understanding from specifying or the Governor in Council from prescribing

- (a) a salary applicable to a position as an administrator greater than what is required under subsection (1); or
- (b) any benefit in excess of what is negotiated by the Union for unionized teachers.

16 (1) The employer of any individual employed as an administrator may, at any time, reassign the individual to a classroom teaching position.

(2) Upon being reassigned to a classroom teaching position, the individual referred to in subsection (1) becomes a unionized teacher.

17 An administrator is entitled to participate, on the same terms as a unionized teacher, in any benefit plan or service established, sponsored or administered or otherwise provided by the Union for the benefit of unionized teachers.

18 For greater certainty, Sections 13 to 17 apply irrespective of whether the Association continues to be affiliated with the Union.

AFFILIATION WITH THE
NOVA SCOTIA TEACHERS' UNION

19 Except where the Association has terminated its affiliation under Section 24, the Association is affiliated with the Union.

20 While the Association is affiliated with the Union,

(a) the Association and the Union may, subject to this Act, determine the terms of their affiliation by agreement;

(b) the Union shall provide representational services to the Association to make representations on behalf of the Association and its members on the terms and conditions of employment for administrators and any other matters of concern to administrators;

(c) the Union is not a bargaining agent for administrators;

(d) in the event of a conflict between an administrator and a unionized teacher, the Union shall, subject to any safeguards required under the agreement referred to in clause (a), represent the interests of the unionized teacher and not the administrator;

(e) an administrator may continue to access any professional development fund or professional development opportunity available to a unionized teacher; and

(f) the Association shall remit to the Union, for every member of the Association, such annual amount upon which the Association and the Union may agree, which may not exceed the annual fee prescribed by the Union as being payable by a unionized teacher.

21 (1) An administrator is not a member of the Union and, subject to subsection (2), may not engage in an activity of the Union, serve on a committee of the Union or hold an office of the Union.

(2) Nothing in this Act prevents an administrator from acting as a trustee, or as a director of a corporation that is a trustee, of the pension plan as defined in the *Teachers' Pension Act* or any insurance plan established, sponsored, administered or otherwise provided by the Union.

22 (1) While the Association is affiliated with the Union, an individual employed as an administrator may return to a teaching position in the classroom in accordance with this Section.

(2) An individual employed as an administrator may return to a classroom teaching position on a temporary basis in accordance with the regulations.

(3) Subject to subsection (4), an individual employed by an education entity as an administrator may at any time, including while the individual has temporarily returned to a classroom teaching position, elect to return to a classroom teaching position at a school under the jurisdiction of the education entity on a permanent basis by notice in writing to the education entity.

(4) An election under subsection (3) may not be made after March 31st in any year if the affiliation between the Association and the Union is to terminate on August 1st of that year.

(5) An election under subsection (3) has effect on August 1st next after it is made, unless the individual and the individual's employer agree upon an earlier effective date.

(6) Upon an election under subsection (3) taking effect, the individual who made the election

(a) ceases to be an administrator and may not elect to return to a position as an administrator; and

(b) becomes a unionized teacher.

23 While the Association is affiliated with the Union, an individual who, having been employed by an education entity as an administrator, becomes a unionized teacher at a school under the jurisdiction of the education entity by virtue of being reassigned to a classroom teaching position or making an election under subsection 22(3) is, for the purpose of any professional agreement to which the individual becomes subject upon becoming a unionized teacher, deemed to be credited with seniority for the entire period during which the individual was employed as an administrator.

24 (1) The Association may terminate its affiliation with the Union in accordance with this Section.

(2) The directors of the Association may, at their discretion, appoint a person independent of the Association to conduct a vote of the membership to determine whether the Association is to remain affiliated with the Union.

(3) Notwithstanding subsection (2), the directors of the Association shall appoint a person under subsection (2) to conduct a vote during the month of February, 2019.

(4) A vote may only be conducted during the period, in 2019 and in every second year thereafter, commencing on February 1st and ending immediately before March 1st.

(5) Where a vote is conducted, the following must occur before the end of the period prescribed by subsection (4):

(a) the person conducting the vote must certify the result and provide notice of the result to the directors of the Association; and

(b) the directors of the Association must notify its members of the result in such manner as the directors consider appropriate.

(6) Where the person conducting the vote certifies to the Association that a majority of its members voted in favour of terminating the affiliation of the Association with the Union, the affiliation terminates immediately before August 1st of the year during which the vote takes place.

25 Where the Association terminates its affiliation with the Union, the Association, the Union and the Minister shall, before the termination takes effect, endeavour to conclude an agreement respecting any issues arising as a result of the termination.

GENERAL

26 (1) The Governor in Council may make regulations

(a) subject to subsection (2), prescribing the salary and benefits applicable to any position as administrator;

(b) respecting the return by an administrator to a classroom teaching position on a temporary basis;

(c) defining any word or expression used but not defined in this Act;

(d) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) A salary prescribed under clause (a) as being applicable to a position as an administrator must not be less than the salary applicable to the position immediately before August 1, 2018, or less than what is required to comply with subsection 15(1).

(3) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

27 On August 1, 2018, every individual employed as an administrator is employed on the same terms and conditions as to salary and benefits as those under which the individual was employed as a administrator immediately before that date, unless and until lawfully changed.

28 This Act has effect on and after August 1, 2018.

SCHEDULE C

AMENDMENTS TO TEACHERS' PROVINCIAL AGREEMENT

1 Article 1 is amended by

(a) adding immediately before Article 1.01 the following Article:

1.00 “Education Entity” means a Regional Centre for Education established under the *Education Act* or the Conseil scolaire acadien provincial.

(b) adding after Article 1.04 the following Article:

1.04A “Regional Executive Director” means

(a) in respect of a Regional Centre for Education, the person appointed by the Minister of Education and Early Childhood Development to be the Regional Executive Director of Education in charge of the school system; and

(b) in respect of the Conseil scolaire acadien provincial, the person appointed by the Conseil to be the Superintendent of Schools in charge of the school system.

(c) deleting Article 1.05;

(d) replacing “a Regional School Board or the Conseil scolaire acadien provincial” in the first and second lines of Article 1.06 with “an Education Entity”;

(e) deleting Article 1.07; and

(f) replacing Article 1.08 with the following Article:

1.08 “Teacher” means a teacher as defined in the *Teachers’ Collective Bargaining Act* who is employed under a probationary, permanent or term contract pursuant to Article 20.

2 Article 6.05 is amended by deleting “, S.N.S., 1995-96, c. 1, sub clause 64 (2) (t)” in the second and third lines.

3 Article 20 is amended by

(a) deleting “Section 30 of” in the second line of Article 20.01(ii), in the second line of Article 20.01(iii) and in the second line of Article 20.01(iv); and

(b) deleting Articles 20.03(ii) to (v), 20.06(ii), 20.08 to 20.14, 20.16 and 20.17.

4 Article 21 is amended by

(a) deleting “Nova Scotia School Boards’ Association and a Chairperson appointed by the Employer” in the third and fourth lines of Article 21.01 and substituting “Employer and a Chairperson to be mutually agreed upon by the other members of the Committee”; and

(b) deleting “including the provisions of appeal” in Articles 21.12.

5 Article 31.01(iii) is amended by deleting “supervisory, administrative and” in the third line.

6 Article 43.03 is amended by deleting “higher paid position” in the first line and substituting “Department Head or other supervisory or administrative position”.

7 Article 44 is amended by

(a) replacing Articles 44.01 and 44.02 with the following Articles:

44.01 For the purpose of this Agreement and every Local Agreement, a supervisory or administrative position refers to the classification of Department Head or any new classification established by the Employer.

44.02 Where different nomenclature or terminology is used, the Education Entity and the Union may mutually agree that the new terminology refers to a Department Head, failing which the Union may, at its option, invoke Article 44.04.

(b) deleting Articles 44.08 to 44.13.

8 Article 56.02 is amended by deleting “Section 64 (3) (c) of” in the second line.

9 Letter of Understanding No. 1, respecting Affirmative Action, is amended by

(a) deleting paragraphs .04(i) to (iii) and substituting the following paragraphs:

(i) a nominee of the Minister of Education and Early Childhood Development;

(ii) a nominee of the Nova Scotia Teachers’ Union;

(iii) a nominee to be mutually agreed upon by the nominees in (i) and (ii) who shall be chairperson;

(b) deleting “, the Nova Scotia School Boards Association,” in the third and fourth lines of paragraph .05(iv).

10 Schedule C is amended by deleting “Sections 33, 34, 35 and 36 of” in the second line of Article 3.01.

11 Schedule E5 is replaced with the following Schedule:

SCHEDULE E5

July 31, 2019

Department Head or
System Consultant

\$581 for each full-time teacher in the department including department head maximum \$5,810. For purposes of determining the equivalent number of full-time teachers, a teacher must teach more than fifty percent (50%) of the teacher’s time in the department.

12 Appendix C is amended by deleting “representative of the Nova Scotia School Boards Association” in the third line of paragraph .12 under the heading ‘Principals of Agreement’ and substituting “person to be mutually agreed upon by the two representatives”.

13 Appendix E is deleted.

14 Except where a contrary intention appears, in the Agreement

(a) every reference to a School Board as defined in Article 1.05 as it read immediately before April 1, 2018, whether the reference is by that specific expression or otherwise, is to be read and construed to be a reference to an Education Entity as defined in Article 1.00 as enacted by this Schedule;

(b) every reference to a specific school board, other than the Conseil scolaire acadien provincial, whether the reference is by its legal name or otherwise, is to be read and construed to be a reference to the regional centre for education that succeeds the school board April 1, 2018; and

(c) every reference to the Superintendent of Schools as defined in Article 1.07 as it read immediately before April 1, 2018, whether the reference is by that specific expression or otherwise, is to be read and construed to be a reference to the Regional Executive Director as defined in Article 1.04A as enacted by this Schedule.

15 (1) Clauses 1(a) to (e), Section 2, clause 4(a) and Sections 8, 9, 12 and 14 have effect on and after April 1, 2018.

(2) Clause 1(f) and Sections 6, 7, 11 and 13 have effect on and after August 1, 2018.

SCHEDULE D-1

AMENDMENTS TO COLLECTIVE AGREEMENT FOR ANNAPOLIS VALLEY REGIONAL SCHOOL BOARD

1 Article 1.1 is amended by

(a) replacing “, schools or Regional Office” in the third line of Article 1.1(a) with “or schools”; and

(b) replacing Article 1.1(b) with the following Article:

(b) “Administrative Position” means a position for which a teacher receives an administrative allowance but does not include any position with greater supervisory responsibility than a department head.

(c) add after Article 1.1(f) the following Article:

(fa) “Centre” means the Annapolis Valley Regional Centre for Education.

(d) add after Article 1.1(k) the following Article:

(ka) “Regional Executive Director” means a person appointed by the Minister to be in charge of the school system.

(e) deleting Article 1.1(n).

2 Article 22.6 is amended by deleting “Section 34 of” in the last line.

3 Article 28.2 is replaced with the following Article:

28.2 An administrative position shall be defined as an appointment that would result in the teacher receiving an administrative allowance but does not include any position with greater supervisory responsibility than a department head.

4 Except where a contrary intention appears, in the Agreement,

(a) every reference to the Annapolis Valley Regional School Board, whether the reference is by that specific expression or otherwise, is to be read and construed to be a reference to the Centre as defined in Article 1.1(fa) as enacted by this Schedule; and

(b) every reference to the Superintendent of Schools as defined in Article 1.1(n) as it read immediately before April 1, 2018, whether the reference is by that specific expression or otherwise,

is to be read and construed to be a reference to the Regional Executive Director as defined in Article 1.1(ka) as enacted by this Schedule.

- 5 (1) Clauses 1(c) to (e) and Section 4 have effect on and after April 1, 2018.
- (2) Clauses 1(a) and (b) and Section 3 have effect on and after August 1, 2018.

SCHEDULE D-2

AMENDMENTS TO TENTATIVE COLLECTIVE AGREEMENT FOR ANNAPOLIS VALLEY REGIONAL SCHOOL BOARD

1 Article 1.1 is amended by

- (a) replacing “, schools or Regional Office” in the third line of Article 1.1(a) with “or schools”; and
- (b) replacing Article 1.1(b) with the following Article:
 - (b) “Administrative Position” means a position for which a teacher receives an administrative allowance but does not include any position with greater supervisory responsibility than a department head.
- (c) add after Article 1.1(f) the following Article:
 - (fa) “Centre” means the Annapolis Valley Regional Centre for Education.
- (d) add after Article 1.1(k) the following Article:
 - (ka) “Regional Executive Director” means a person appointed by the Minister to be in charge of the school system.
- (e) deleting Article 1.1(n).

2 Article 22.6 is amended by deleting “Section 34 of” in the last line.

3 Article 28.2 is replaced with the following Article:

28.2 An administrative position shall be defined as an appointment that would result in the teacher receiving an administrative allowance but does not include any position with greater supervisory responsibility than a department head.

4 Except where a contrary intention appears, in the Agreement,

- (a) every reference to the Annapolis Valley Regional School Board, whether the reference is by that specific expression or otherwise, is to be read and construed to be a reference to the Centre as defined in Article 1.1(fa) as enacted by this Schedule; and
- (b) every reference to the Superintendent of Schools as defined in Article 1.1(n) as it read immediately before April 1, 2018, whether the reference is by that specific expression or otherwise, is to be read and construed to be a reference to the Regional Executive Director as defined in Article 1.1(ka) as enacted by this Schedule.

- 5 (1) Clauses 1(c) to (e) and Section 4 have effect on and after April 1, 2018.
- (2) Clauses 1(a) and (b) and Section 3 have effect on and after August 1, 2018.

SCHEDULE E

AMENDMENTS TO COLLECTIVE AGREEMENT
FOR CAPE BRETON–VICTORIA REGIONAL SCHOOL BOARD

- 1 Article 2.01(a) and (b) are replaced with the following Articles:**
- (a) “Centre” means the Cape Breton–Victoria Regional Centre for Education;
 - (b) “teacher” means a teacher as defined in the *Teachers’ Collective Bargaining Act* who is employed under a probationary, permanent or term contract;
- 2 Article 11.06 is deleted.**
- 3** Except where a contrary intention appears, in the Agreement,
- (a) every reference to the Board as defined in Article 2.01(a) as it read immediately before April 1, 2018, whether the reference is by that specific word or otherwise, is to be read and construed to be a reference to the Centre as defined in Article 2.01(a) as enacted by this Schedule; and
 - (b) every reference to the Superintendent of Schools, whether the reference is by that specific expression or otherwise, is to be read and construed to be a reference to the Regional Executive Director of Education for the Cape Breton–Victoria Regional Centre for Education.
- 4 (1)** Sections 1 and 3 have effect on and after April 1, 2018.
- (2)** Section 2 has effect on and after August 1, 2018.

SCHEDULE F

AMENDMENTS TO COLLECTIVE AGREEMENT
FOR CHIGNECTO–CENTRAL REGIONAL SCHOOL BOARD

- 1 Article 2 is amended by**
- (a) **replacing Article 2.03 with the following Article:**
 - 2.03 “Administrative Position” means a position for which a teacher receives an administrative allowance but does not include any position with greater supervisory responsibility than a department head.
 - (b) **deleting Article 2.05; and**
 - (c) **adding the following Article after Article 2.07:**
 - 2.07A “Centre” means the Chignecto–Central Regional Centre for Education.
- 2 Article 17.04 is amended by replacing the ninth to sixteenth lines with the following lines:**
- b. Only school-based lateral exchanges will be considered (i.e. department head to department head).
- 3 Article 18.02 g. is deleted.**
- 4 Article 18.06 b. is amended by deleting “or Principal or Vice-Principal” in the first and second lines.**

5 Article 21.07 is amended by replacing “the current *Teachers’ Provincial Agreement Schedule E Principal of a School with 1-5 teachers (for example, between August 1st, 2009 and July 31st, 2010 this is an amount of \$5422)*” in the ninth to twelfth lines with “\$5,810 for the period of August 1, 2018 to July 31st, 2019, inclusive, and \$6,137 for the period of August 1st, 2019 to July 31st, 2020, inclusive”.

6 Except where a contrary intention appears, in the Agreement, every reference to the Board as defined in Article 2.05 as it read immediately before April 1, 2018, whether the reference is by that specific word or otherwise, is to be read and construed to be a reference to the Centre as defined in Article 2.07A as enacted by this Schedule.

- 7**
- (1)** Clauses 1(b) and (c) and Section 6 have effect on and after April 1, 2018.
 - (2)** Clause 1(a) and Sections 2 to 5 have effect on and after August 1, 2018.

SCHEDULE G

AMENDMENTS TO COLLECTIVE AGREEMENT FOR CONSEIL SCOLAIRE ACADIEN PROVINCIAL

1 Article 2.01(a) of the English version is amended by replacing “, schools or Regional Offices” in the second and third lines with “or schools”.

2 Article 2.01(c) of the French version is amended by replacing “, les écoles ou le bureau régional” in the second and third lines with “ou les écoles”.

- 3** This Schedule has effect on and after August 1, 2018.

SCHEDULE H

AMENDMENTS TO COLLECTIVE AGREEMENT FOR HALIFAX REGIONAL SCHOOL BOARD

- 1 Articles 8.07 to 8.10 are deleted.**

- 2 Article 10.08 is replaced with the following Article:**

10.08 If a department head would be subject to being declared surplus pursuant to Article 10.06, then the staff member, other than the department head, with the least seniority shall be declared surplus.

- 3 Letter of Understanding #2 is deleted.**

- 4** Except where a contrary intention appears, in the Agreement,

(a) every reference to the Halifax Regional School Board, whether the reference is by that specific expression or otherwise, is to be read and construed to be a reference to the Halifax Regional Centre for Education; and

(b) every reference to the Superintendent of Schools, whether the reference is by that specific expression or otherwise, is to be read and construed to be a reference to the Regional Executive Director of Education for the Halifax Regional Centre for Education.

- 5 (1)** Section 4 has effect on and after April 1, 2018.

- (2) Sections 1 to 3 have effect on and after August 1, 2018.

SCHEDULE I

AMENDMENTS TO COLLECTIVE AGREEMENT FOR SOUTH SHORE SCHOOL BOARD

1 Article 2 is amended by

(a) replacing “, schools or Board Office” in the second and third lines of Article 2.01(a) with “or schools”;

(b) replacing Article 2.01(c) with the following Article:

(c) “Centre” means the South Shore Regional Centre for Education.

(c) add after Article 2.01(i) the following Article:

(ia) “Regional Executive Director” means a person appointed by the Minister to be in charge of the school system.

and

(d) deleting Article 2.01(m).

2 Article 24.03 is replaced with the following Article:

24.03 For greater certainty, neither this Article 24 nor other provisions of this Agreement apply to the selection process for any position with greater supervisory responsibility than a department head.

3 Except where a contrary intention appears, in the Agreement,

(a) every reference to the Board as defined in Article 2.01(c) as it read immediately before April 1, 2018, whether the reference is by that specific word or otherwise, is to be read and construed to be a reference to the Centre as defined in Article 2.01(c) as enacted by this Schedule; and

(b) every reference to the Superintendent of Schools as defined in Article 2.01(m) as it read immediately before April 1, 2018, whether the reference is by that specific expression or otherwise, is to be read and construed to be a reference to the Regional Executive Director as defined in Article 2.01(ia) as enacted by this Schedule.

4 (1) Clauses 1 (b) to (d) and Section 3 have effect on and after April 1, 2018.

(2) Clause 1(a) and Section 2 have effect on and after August 1, 2018.

SCHEDULE J

AMENDMENTS TO COLLECTIVE AGREEMENT FOR STRAIT REGIONAL SCHOOL BOARD

1 Article 1 is amended by

(a) replacing Article 1.2 with the following Article:

1.2 “Centre” means the Strait Regional Centre for Education.

(b) add after Article 1.9 the following Article:

1.9A “Regional Executive Director” means a person appointed by the Minister to be in charge of the school system.

and

(c) **deleting Article 1.15.**

2 Article 23 is amended by adding the following Article after Article 23.2:

23.3 For greater certainty, neither this Article 23 nor other provisions of this Agreement apply to the selection process for any position with greater supervisory responsibility than a department head.

3 Except where a contrary intention appears, in the Agreement,

(a) every reference to the Board as defined in Article 1.2 as it read immediately before April 1, 2018, whether the reference is by that specific word or otherwise, is to be read and construed to be a reference to the Centre as defined in Article 1.2 as enacted by this Schedule; and

(b) every reference to the Superintendent as defined in Article 1.15 as it read immediately before April 1, 2018, whether the reference is by that specific word or otherwise, is to be read and construed to be a reference to the Regional Executive Director as defined in Article 1.9A as enacted by this Schedule.

4 (1) Sections 1 and 3 have effect on and after April 1, 2018.

(2) Section 2 has effect on and after August 1, 2018.

SCHEDULE K

AMENDMENTS TO COLLECTIVE AGREEMENT FOR TRI-COUNTY REGIONAL SCHOOL BOARD

1 Article 2 is amended by

(a) replacing “, schools or Board Office” in the second and third lines of Article 2.01(a) with “or schools”

(b) replacing Article 2.01(c) with the following Article:

(c) “Centre” means the Tri-County Regional Centre for Education.

(c) add after Article 2.01(h) the following Article:

(ha) “Regional Executive Director” means a person appointed by the Minister to be in charge of the school system.

and

(d) deleting Article 2.01(k).

2 Article 25.04 is replaced with the following Article:

25.04 For greater certainty, neither this Article 25 nor other provisions of this Agreement apply to the selection process for any position with greater supervisory responsibility than a department head.

3 Except where a contrary intention appears, in the Agreement,

(a) every reference to the Board as defined in Article 2.01(c) as it read immediately before April 1, 2018, whether the reference is by that specific word or otherwise, is to be read and construed to be a reference to the Centre as defined in Article 2.01(c) as enacted by this Schedule; and

(b) every reference to the Superintendent of Schools as defined in Article 2.01(k) as it read immediately before April 1, 2018, whether the reference is by that specific expression or otherwise, is to be read and construed to be a reference to the Regional Executive Director as defined in Article 2.01(ha) as enacted by this Schedule.

- 4 (1) Clauses 1(b) to (d) and Section 3 have effect on and after April 1, 2018.
 - (2) Clause 1(a) and Section 2 have effect on and after August 1, 2018.
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