

Education Act

SCHEDELE A OF CHAPTER 1 OF THE ACTS OF 2018

as amended by

2018, c. 3, s. 36; 2019, c. 14; 2023, c. 10, ss. 69-121; 2023, c. 14, ss. 6, 7



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amended 2018, c. 3, s. 36; 2019, c. 14; 2023, c. 10, ss. 69-121; 2023, c. 14, ss. 6, 7

An Act Respecting Education

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Short title

1 This Act may be cited as the *Education Act*. 2018, c. 1, Sch. A, s. 1.

Purpose of 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. 2018, c. 1, Sch. A, s. 2.

Interpretation

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;

(ca) “Conseil” means Conseil as defined in the *Conseil scolaire acadien provincial Act*;

(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;

(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 an education entity;

(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

(i) for a regional centre, an area established as a school region in accordance with this Act and the regulations over which a regional centre exercises jurisdiction, and

(ii) for the Conseil, the area over which the Conseil exercises jurisdiction in accordance with the *Conseil scolaire acadien provincial Act*;

(zda) “Superintendent” means the Superintendent of the Conseil;

(ze) “support staff” includes persons employed in any capacity to assist an education entity in providing services for the comfort, assistance, safety and conveyance of students or to provide administrative support to the education entity 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,
 - (AA) cannabis,
 - (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 an education entity. 2018, c. 1, Sch. A, s. 3; 2018, c. 3, s. 36; 2023, c. 10, s. 69.

Supervision of Act and education system

4 The Minister has the general supervision and management of this Act and the general supervision of public schools and education in the Province. 2018, c. 1, Sch. A, s. 4.

PUBLIC SCHOOLS

Free schools

5 All public schools established or managed by an education entity are free schools. 2018, c. 1, Sch. A, s. 5; 2023, c. 10, s. 70.

Right to attend school

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 an education entity. 2018, c. 1, Sch. A, s. 6; 2023, c. 10, s. 71.

International students

7 An education entity may admit international students in accordance with the regulations and, notwithstanding Section 5, charge fees prescribed by the regulations to such students. 2018, c. 1, Sch. A, s. 7; 2023, c. 10, s. 72.

School year and fiscal year

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. 2018, c. 1, Sch. A, s. 8.

MINISTER**Role of 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. 2018, c. 1, Sch. A, s. 9.

Powers of Minister

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 His Majesty in right of the Province or from His 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

Establishment of and composition

- 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 (2)(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. 2018, c. 1, Sch. A, s. 11.

Term of office

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. 2018, c. 1, Sch. A, s. 12.

Presiding member

13 Meetings of PACE must be presided over by a member of PACE chosen by the Minister. 2018, c. 1, Sch. A, s. 13.

Terms of reference

14 The Minister may establish terms of reference for PACE. 2018, c. 1, Sch. A, s. 14.

Duty to advise Minister

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. 2018, c. 1, Sch. A, s. 15.

Remuneration

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. 2018, c. 1, Sch. A, s. 16.

MI'KMAQ EDUCATION

Council on 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 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. 2018, c. 1, Sch. A, s. 17; O.I.C. 2021-208.

Minister's duties

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. 2018, c. 1, Sch. A, s. 18.

AFRICAN-CANADIAN EDUCATION

Council on 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 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. 2018, c. 1, Sch. A, s. 19; O.I.C. 2021-208.

Minister's duties

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. 2018, c. 1, Sch. A, s. 20.

SCHOOL ADVISORY COUNCILS AND REGIONAL SCHOOL ADVISORY COUNCILS

Establishment and composition

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. 2018, c. 1, Sch. A, s. 21.

Duties

22 A school advisory council or regional school advisory council shall

(a) assist an education entity to ensure that the education entity'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 education entity. 2018, c. 1, Sch. A, s. 22; 2023, c. 10, s. 73.

PARENTS

Duties, parent of child with special needs

23 (1) It is the duty of every parent of a child enrolled in a public school 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 an education entity respecting an individualized program plan for that child, the parent may appeal the decision in accordance with the regulations. 2018, c. 1, Sch. A, s. 23; 2023, c. 10, s. 74.

Custody

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. 2018, c. 1, Sch. A, s. 24.

STUDENTS

Duties and rights

25 (1) It is the duty of every student enrolled in a public school 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 education entity.

(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 education entity'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. 2018, c. 1, Sch. A, s. 25; 2023, c. 10, s. 75.

Requiring student to leave class

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. 2018, c. 1, Sch. A, s. 26.

Suspension or other action

27 Where a student enrolled in a public school 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. 2018, c. 1, Sch. A, s. 27; 2023, c. 10, s. 76.

Review of suspension

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 education entity of the reasons for the suspension.

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

(3) The education entity 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) For regional centres, 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. 2018, c. 1, Sch. A, s. 28; 2023, c. 10, s. 77.

Extended suspension

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 education entity that the student be suspended for a period greater than 10 school days.

(2) When a recommendation is made under subsection (1), the education entity 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 education entity 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 an education entity may extend the suspension may include a portion of the next academic year.

(5) The education entity 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 education entity decides to extend the suspension of the student, the education entity 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) Where the student attends a public school under the jurisdiction of a regional centre, 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. 2018, c. 1, Sch. A, s. 29; 2023, c. 10, s. 78.

Appeal of suspension

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 or the Conseil, as the case may be.

(2) The regional executive director or Conseil 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 education entity.

(3) Within three days of the hearing, the education entity 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) For public schools under the jurisdiction of a regional centre, 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. 2018, c. 1, Sch. A, s. 30; 2023, c. 10, s. 79.

Alternative arrangements for education during suspension

31 Where a student is suspended for more than 10 school days, the education entity, in consultation with the student's parents, shall make every reasonable effort to provide alternative arrangements for the education of the student. 2018, c. 1, Sch. A, s. 31; 2023, c. 10, s. 80.

Suspension of school bus rights

32 (1) The principal, or such other supervisory person as may be designated by the education entity, 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 education entity 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 education entity 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 education entity.

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

(6) Upon receipt of a notice of appeal, the education entity 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 education entity 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. 2018, c. 1, Sch. A, s. 32; 2023, c. 10, s. 81.

Requirement to attend school

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. 2018, c. 1, Sch. A, s. 33.

No employment during school hours

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. 2018, c. 1, Sch. A, s. 34.

Certificate of exemption, authorizing employment

35 (1) An education entity 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 education entity may determine. 2018, c. 1, Sch. A, s. 35; 2023, c. 10, s. 82.

Attendance committee

36 (1) An education entity may establish an attendance committee. (2) An attendance committee shall, in accordance with provincial policy, (a) monitor the attendance of students in schools under the jurisdiction of the education entity; (b) take steps to reduce the absenteeism of students from schools under the jurisdiction of the education entity; and (c) make recommendations for remedial steps with respect to those students who have been reported to the education entity by the principal as being habitually absent from school without acceptable excuse. 2018, c. 1, Sch. A, s. 36; 2023, c. 10, s. 83.

Child not attending school

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 education entity 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 education entity that the person is unable to induce the child to attend public school. 2018, c. 1, Sch. A, s. 37; 2023, c. 10, s. 84.

Prima facie proof

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 an education entity 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. 2018, c. 1, Sch. A, s. 38; 2023, c. 10, s. 85.

PRINCIPALS AND VICE-PRINCIPALS

Duties

39 (1) The principal of a public school 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 or Superintendent as required by the education entity;
- (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 education entity policies are followed;
- (h) identify the staffing needs of the school;
- (i) assist the regional executive director or Superintendent with the selection and hiring of staff for the school in accordance with policies established by the education entity;
- (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 education entity;
- (l) assist the education entity 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 education entity, co-ordinate their implementation;

(p) account to the regional executive director or Superintendent for money received from the education entity or any other source;

(q) account to the Minister, through the regional executive director or the Conseil, as the case may be, 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 education entity.

(3) A vice-principal may perform any duty of a principal assigned to the vice-principal by the principal, regional executive director, Superintendent or other senior staff of an education entity, and any other duties prescribed by regulations. 2018, c. 1, Sch. A, s. 39; 2023, c. 10, s. 86.

Evaluation

40 The regional executive director, Superintendent or such other senior staff member of the education entity as the education entity may designate is responsible for the evaluation of principals and vice-principals employed by the education entity with respect to their duties, including any teaching duties. 2023, c. 10, s. 87.

May perform duties of teacher

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. 2018, c. 1, Sch. A, s. 41.

TEACHERS

Duties

42 (1) It is the duty of every teacher in a public school 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 education entity;
- (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 education entity 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 education entity;
- (s) keep such records as are required by the education entity or the Minister and permit the inspection of those records by the education entity, the regional executive director, Superintendent or designate, 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 education entity through the principal of the teacher's assigned school with respect to the performance of the teacher's responsibilities. 2018, c. 1, Sch. A, s. 42; 2023, c. 10, s. 88.

Authority

43 A teacher has general oversight and supervision over school premises during school hours and, subject to the authority of the education entity and the principal, may exclude from those premises any person who is not a student enrolled in the school and disturbs the learning environment. 2018, c. 1, Sch. A, s. 43; 2023, c. 10, s. 89.

Teacher's certificate or permit

44 Except as provided in this Act or the regulations, an education entity 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. 2018, c. 1, Sch. A, s. 44; 2023, c. 10, s. 90.

Student teachers

45 Every education entity and every teacher employed by an education entity shall admit to classrooms under the jurisdiction of the education entity 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. 2018, c. 1, Sch. A, s. 45; 2023, c. 10, s. 91.

Classification decisions remain valid

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. 2018, c. 1, Sch. A, s. 46.

Written contract required

47 Where an education entity that has authority to engage a teacher engages a teacher other than a substitute teacher, the education entity shall enter into a written contract with the teacher in such form as may be approved by the Minister. 2018, c. 1, Sch. A, s. 47; 2023, c. 10, s. 92.

Notice of termination

48 Notwithstanding any other provision of this Act, or any contract or agreement between or governing an education entity 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 an education entity 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. 2018, c. 1, Sch. A, s. 48; 2023, c. 10, s. 93.

Suspension of a teacher

49 An education entity 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. 2018, c. 1, Sch. A, s. 49; 2023, c. 10, s. 94.

Discharge for just cause

50 (1) An education entity may, at any time, for just cause, by notice in writing, discharge any teacher in its employ.

(2) Where an education entity 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. 2018, c. 1, Sch. A, s. 50, 2023, c. 10, s. 95.

Teacher may lawfully terminate contract

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. 2018, c. 1, Sch. A, s. 51.

SUPPORT STAFF

Duties

52 (1) It is the duty of every support staff member of an education entity 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 education entity, regional executive director, Superintendent, 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 education entity, the regional executive director, Superintendent or the principal.

(2) Every support staff member employed in a school is accountable to the principal or other person designated by the education entity. 2018, c. 1, Sch. A, s. 52; 2023, c. 10, s. 96.

VOLUNTEERS

Permitted to assist, policies

53 **(1)** An education entity may permit volunteers to assist in its schools in accordance with applicable policies.

(2) Where an education entity 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. 2018, c. 1, Sch. A, s. 53; 2023, c. 10, s. 97.

RECORD CHECKS

Interpretation

53A In Sections 53A to 53F and clauses 97[(1)](la) to (lj),

(a) “Child Abuse Register” means the Child Abuse Register established by the Minister of Community Services under the *Children and Family Services Act*;

(b) “criminal record check” means a record prepared by a police agency or other service that contains information on whether an individual has any conviction or has any outstanding charge awaiting disposition under a federal or Provincial enactment;

(c) “record check” includes a Child Abuse Register search, a criminal record check, a vulnerable sector check and such other checks as may be prescribed by the regulations;

(d) “vulnerable sector check” means a search of the automated criminal conviction records retrieval system maintained by the Royal Canadian Mounted Police in accordance with the *Criminal Records Act* (Canada). 2019, c. 14, s. 1.

Requirement

53B An education entity shall inform a person of the requirement for record checks under this Act and the regulations if the person is employed by, or applies for employment or other engagement with the education entity, in a position for which record checks are required. 2019, c. 14, s. 1.

Types and use of record checks

53C (1) An education entity shall require, in accordance with the regulations, a person who has been offered employment or other engagement by the education entity and whose position would require direct contact with students or who would occupy a position of trust or authority toward students or vulnerable persons to provide

- (a) a vulnerable sector check or authorization to conduct a vulnerable sector check;
- (b) a Child Abuse Register search; and
- (c) such other related record or background checks as prescribed by the regulations.

(2) An education entity shall require a person who has been offered employment or other engagement by the education entity who is not required to provide a record check under subsection (1) to provide a criminal record check in accordance with the regulations.

(3) An education entity may refuse to hire or engage a person based on information obtained pursuant to subsection (1) or (2). 2019, c. 14, s. 1.

Results must be collected

53D An education entity shall collect the results of a current criminal record check with respect to an employee or class of persons prescribed by the regulations in accordance with a schedule and any other requirements respecting criminal records checks prescribed by the regulations. 2019, c. 14, s. 1.

May require annual declaration

53E Where prescribed by the regulations, an education entity may require an employee to submit an annual declaration with respect to whether the employee has had a conviction for a criminal offence. 2019, c. 14, s. 1.

Charge or conviction must be disclosed

53F Where an employee of an education entity is subject to a charge or conviction for a criminal offence by a court in or outside of Canada, the employee shall disclose that charge or conviction to the education entity. 2019, c. 14, s. 1.

REGIONAL CENTRES FOR EDUCATION

Corporation sole

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. 2018, c. 1, Sch. A, s. 54.

Establishment, geographic boundaries

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*. 2018, c. 1, Sch. A, s. 55.

Rights of natural person

56 A regional centre has the capacity and, subject to this Act and the regulations, the rights, powers and privileges of a natural person. 2018, c. 1, Sch. A, s. 56.

Crown agent

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 His Majesty in right of the Province. 2018, c. 1, Sch. A, s. 57.

Proceedings against the Crown Act

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 [against] the Crown Act* for an action against His Majesty in right of the Province. 2018, c. 1, Sch. A, s. 58.

Exemption from taxation

59 A regional centre, its property and assets are not subject to taxation. 2018, c. 1, Sch. A, s. 59.

Property vested in Crown

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 an education entity is considered to be the property of His Majesty in right of the Province. 2018, c. 1, Sch. A, s. 60; 2023, c. 10, s. 98.

Duties

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. 2018, c. 1, Sch. A, s. 61.

Powers

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. 2018, c. 1, Sch. A, s. 62.

Support of operations

63 The operations of an education entity are to be supported by the Department and may be supported by the Bureau as and in the manner prescribed by the Minister. 2018, c. 1, Sch. A, s. 63; 2023, c. 10, s. 99.

Duties of Deputy 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. 2018, c. 1, Sch. A, s. 64.

REGIONAL EXECUTIVE DIRECTORS OF EDUCATION

Appointment

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. 2018, c. 1, Sch. A, s. 65.

Duties

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. 2018, c. 1, Sch. A, s. 66.

FUNDING

Financial assistance and municipal contributions

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

- (a) the amount of financial assistance to be paid by the Minister to the education entity;

(b) the total of the minimum municipal contributions to be paid by the municipalities to the education entity; and

(c) the rate, as determined by the regulations, to be used in determining the minimum municipal contributions. 2018, c. 1, Sch. A, s. 67; 2023, c. 10, s. 100.

Statement for municipality

68 Within 30 days of receipt from the Minister of a statement under Section 67, an education entity 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). 2018, c. 1, Sch. A, s. 68; 2023, c. 10, s. 101.

Statement of estimated revenues and expenditures

69 Within 90 days of receipt of the Minister's statement under Section 67, an education entity 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 education entity. 2018, c. 1, Sch. A, s. 69; 2023, c. 10, s. 102.

Payments by municipality to education entity

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

(a) the minimum municipal contribution that is required to be paid by the municipality to the education entity; 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 education entity to provide for the estimated expenditures of the education entity, 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), an education entity 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 education entity under subsection (1).

(3) The amount required to be paid to an education entity by a municipality under subsection (1) shall be paid in 12 equal monthly instalments in each fiscal year unless the education entity and the municipality agree otherwise. 2018, c. 1, Sch. A, s. 70; 2023, c. 10, s. 103.

Borrowing

71 Where the council of a municipality refuses or neglects to make provision for or to pay to the education entity the amounts payable to the education entity under Section 70, the education entity 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. 2018, c. 1, Sch. A, s. 71; 2023, c. 10, s. 104.

SCHOOL FACILITIES

School closing

72 An education entity may close a school in accordance with a process approved by the Minister. 2018, c. 1, Sch. A, s. 72; 2023, c. 10, s. 105.

Deemed closed

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. 2018, c. 1, Sch. A, s. 73.

Building unfit for public school purposes

74 An education entity 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. 2018, c. 1, Sch. A, s. 74; 2023, c. 10, s. 106.

Lease or rental

75 (1) An education entity 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 education entity; or
- (b) contains any undertaking or agreement that abridges or modifies any power or duty of the education entity. 2018, c. 1, Sch. A, s. 75; 2023, c. 10, s. 107.

Consequence of declaring building unfit

76 When an education entity 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 education entity shall notify the municipality in which the school house or building is located and, unless otherwise provided by the education entity, 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 education entity. 2018, c. 1, Sch. A, s. 76; 2023, c. 10, s. 108.

Control and management

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

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

(3) Subject to subsection (4), where an education entity no longer requires land and any pre-1981 buildings on the land, the Minister may require the lands and the buildings to be conveyed to the Province subject to any lien, mortgage or charge in respect of unmatured debt that exists at the time the land and buildings are declared to be no longer required.

(4) A municipality, unless it is excluded by the regulations, has the first right to offer to purchase the land and building referred to in subsection (3) from the Province for a negotiated amount, if the Province has no Provincial purpose for the land or building. 2018, c. 1, Sch. A, s. 77; 2023, c. 10, s. 109; 2023, c. 14, s. 6.

Distribution of proceeds from sale or destruction

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 education entity 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 His Majesty in right of the Province under subsection (3), that the value of alterations, additions or improvements made by or on behalf of the education entity 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 education entity and used for public school purposes is partially or completely destroyed and the education entity requires that the building be repaired or replaced, the education entity 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 His Majesty in right of the Province is responsible, the municipality shall pay the amount of the outstanding debt to His Majesty in right of the Province out of the insurance recovery. 2018, c. 1, Sch. A, s. 78; 2023, c. 10, s. 110.

COMMUNITY FACILITIES

Agreement re costs

79 (1) An education entity 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 education entity 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 Housing and the Minister of Communities, Culture, Tourism and Heritage. 2018, c. 1, Sch. A, s. 79; O.I.C. 2021-209; O.I.C. 2021-215; 2023, c. 10, s. 111.

Powers to comply with agreement

80 (1) An education entity 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*. 2018, c. 1, Sch. A, s. 80; 2023, c. 10, s. 112.

Agreement re alteration, addition or improvement

81 (1) Where the community facility to which the agreement relates is an alteration, addition or improvement to a school property owned by an education entity, the education entity 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 His 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) An education entity 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. 2018, c. 1, Sch. A, s. 81; 2023, c. 10, s. 113.

Ministerial approval required

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 an education entity is relieved from obtaining a consent or approval of the Minister or the Minister of Municipal Affairs and Housing required by this or another enactment. 2018, c. 1, Sch. A, s. 82; O.I.C. 2021-209; 2023, c. 10, s. 114.

HOME EDUCATION

Requirements

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 education entity, a child in a home education program may attend courses offered by an education entity, subject to any terms and conditions prescribed by the education entity.

(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 an education entity, the education entity shall determine the child's grade placement. 2018, c. 1, Sch. A, s. 83; 2023, c. 10, s. 115.

May not be provided or continued

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. 2018, c. 1, Sch. A, s. 84.

PRIVATE SCHOOLS**Permitted**

85 A child may attend a private school. 2018, c. 1, Sch. A, s. 85.

Requirements

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. 2018, c. 1, Sch. A, s. 86.

High school leaving certificate

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. 2018, c. 1, Sch. A, s. 87.

NOVA SCOTIA EDUCATION COMMON SERVICES BUREAU

Corporation sole

88 The Minister is hereby constituted a corporation sole under the name of the Nova Scotia Education Common Services Bureau. 2018, c. 1, Sch. A, s. 88.

Objects

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. 2018, c. 1, Sch. A, s. 89.

Powers

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 gifts, legacies or bequests that may be given to the Bureau, an education entity or the Department;
- (f) expend any money of the Bureau; and
- (g) charge the fees set under the regulations. 2018, c. 1, Sch. A, s. 90; 2023, c. 10, s. 116.

Records

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*. 2018, c. 1, Sch. A, s. 91.

GENERAL

Auditor General

92 (1) The payments made by the Minister or an education entity 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 an education entity and to receive from the officers and employees of the education entity 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 an education entity shall promptly provide to the Auditor the access, information and explanations to which the Auditor General is entitled. 2018, c. 1, Sch. A, s. 92; 2023, c. 10, s. 117.

Collection and use of personal information by Minister

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

(a) administering this Act, the *Conseil scolaire acadien provincial Act* and the regulations made under those Acts;

(b) implementing the policies, guidelines and directives made under this Act and the *Conseil scolaire acadien provincial Act*;

(ba) ensuring compliance with this Act, the *Conseil scolaire acadien provincial Act*, the regulations made under those Acts and the policies, guidelines and directives made under those Acts;

(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. 2018, c. 1, Sch. A, s. 93; 2023, c. 10, s. 118.

Collection and use of personal information by education entity

94 An education entity 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 education entity or the Minister; and

(c) such other necessary purpose determined by the Minister. 2018, c. 1, Sch. A, s. 94; 2023, c. 10, s. 119.

Limits on collection and use of personal information

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. 2018, c. 1, Sch. A, s. 95.

Offence and penalty

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. 2018, c. 1, Sch. A, s. 96.

Ministerial regulations

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 an education entity and a parent of a child with special needs respecting an individualized program plan for that child;
- (l) respecting students who have been suspended;
- (la) designating a class of employees or persons for whom a record check is required as a condition of employment or engagement;
- (lb) prescribing a particular type of records or background check as a record check;
- (lc) prescribing the record checks that must be collected from a class of employees or persons;
- (ld) respecting requirements for a record check, including the period of validity, the time frame within which it must be completed, its frequency and its form and substance;
- (le) respecting the collection and authorization of a record check;
- (lf) exempting any persons or class of persons or circumstance from any of the requirements set out in Sections 53B to 53F or the regulations and respecting conditions for such an exemption;
- (lfa) excluding any municipality or class of municipality from the first right of offer in subsection 77(4);
- (lg) respecting the requirement for a class of employees or persons to provide an annual declaration;
- (lh) respecting the form, manner, content and collection of an annual declaration;
- (li) defining “criminal offence”, “direct contact”, “position of trust” and “position of authority”;
- (lj) respecting the requirement for an employee to disclose to their employer if the employee is subject to a charge or conviction for a criminal offence.;
- (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*. 2018, c. 1, Sch. A, s. 97; 2019, c. 14, s. 2; 2023, c. 10, s. 120; 2023, c. 14, s. 7.

Governor in Council regulations

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;
- (ba) respecting the manner in which students may be transferred between a school of the Conseil and a school of a regional centre;
- (bb) respecting the sharing of enrolment information between the Conseil and a regional centre;
- (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, principals, vice-principals and teachers;
- (t) respecting the expenditure, by way of grants, of money 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*. 2018, c. 1, Sch. A, s. 98; 2023, c. 10, s. 121.

TRANSITIONAL AND CONSEQUENTIAL AMENDMENTS

Transitional

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. 2018, c. 1, Sch. A, s. 99.

School advisory councils

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. 2018, c. 1, Sch. A, s. 100.

Anti-idling Act amended

101 *amendment*

Atlantic Provinces Special Education Authority Act amended

102 *amendment*

Civil Service Act amended

103 *amendment*

Defamation Act amended
104 *amendment*

Education Act amended
105 and 106 *amendments*

Elections Act amended
107 to 110 *amendments*

Fire Safety Act amended
111 *amendment*

Freedom of Information and Protection of Privacy Act amended
112 to 114 *amendments*

Government Records Act amended
115 *amendment*

Halifax Regional Municipality Charter amended
116 to 119 *amendments*

Health Authorities Act amended
120 *amendment*

Labour Standards Code amended
121 *amendment*

Lobbyists' Registration Act amended
122 *amendment*

Motor Carrier Act amended
123 *amendment*

Municipal Conflict of Interest Act amended
124 *amendment*

Municipal Elections Act amended
125 *amendment*

Municipal Finance Corporation Act amended
126 and 127 *amendments*

Municipal Fiscal Year Act amended
128 *amendment*

Municipal Government Act amended
129 to 131 *amendments*

Municipal Grants Act amended
132 *amendment*

Nova Scotia School Boards Association Act repealed
133 Chapter 317 of the Revised Statutes, 1989, the *Nova Scotia School Boards Association Act*, is repealed. 2018, c. 1, Sch. A, s. 133.

Ombudsman Act amended
134 *amendment*

Pay Equity Act amended
135 to 137 *amendments*

Pre-primary Education Act amended
138 *amendment*

Provincial Court Act amended
139 *amendment*

Public Interest Disclosure of Wrongdoing Act amended
140 to 142 *amendments*

Public Procurement Act amended
143 *amendment*

Public Service Superannuation Act amended
144 to 146 *amendments*

Public Services Sustainability (2015) Act amended
147 *amendment*

Regulations Act amended
148 *amendment*

Shared Services Act amended
149 *amendment*

Smoke-free Places Act amended
150 *amendment*

**Teachers' Professional Agreement and Classroom Improvements (2017) Act
amended**

151 *amendment*

Trade Union Act amended

152 *amendment*

Utility and Review Board amended

153 *amendment*

Volunteer Protection Act amended

154 *amendment*

Effective date

155 This Act has effect on and after April 1, 2018. 2018, c. 1, Sch. A, s. 155.
