



BILL NO. 105

Government Bill

*2nd Session, 62nd General Assembly
Nova Scotia
64 Elizabeth II, 2015*

An Act to Amend Chapter 1 of the Acts of 1995-96, the Education Act

CHAPTER 16
ACTS OF 2015

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 11, 2015**

The Honourable Karen Casey
Minister of Education and Early Childhood Development

*Halifax, Nova Scotia
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**An Act to Amend Chapter 1
of the Acts of 1995-96,
the Education Act**

Be it enacted by the Governor and Assembly as follows:

1 The fifth paragraph of the Preamble to Chapter 1 of the Acts of 1995-96, the *Education Act*, as enacted by Chapter 14 of the Acts of 2012, is amended by

- (a) striking out “creating” in the second line and substituting “implementing”;**
- (b) striking out “with supports embedded within codes of conduct to maintain” in the third and fourth lines and substituting “to maintaining”; and**
- (c) striking out “disruptive and severely disruptive” in the fifth and sixth lines and substituting “unacceptable”.**

2 Subsection 3(1) of Chapter 1, as amended by Chapter 11 of the Acts of 2000, Chapter 16 of the Acts of 2005, Chapter 37 of the Acts of 2010, Chapter 57 of the Acts of 2011 and Chapter 21 of the Acts of 2012, is further amended by

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

(aaa) “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, feelings, self-esteem, reputation or property, and includes assisting or encouraging such behaviour in any way;

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

(ca) “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 ought to reasonably be expected to cause fear, intimidation, humiliation, distress or other damage or harm to another person’s health, emotional well-being, self-esteem or reputation, and includes assisting or encouraging such communication in any way;

(c) adding “and Early Childhood Development” immediately after “Education” in clause (p); and

(d) adding immediately after clause (ak) the following clause:

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

- (i) bullying,
- (ii) cyberbullying,
- (iii) discriminatory behaviour,

- (iv) illegal activity,
- (v) insubordination,
- (vi) misuse of network or online resources,
- (vii) physical violence,
- (viii) racist behaviour,
- (ix) repeated use of tobacco or electronic cigarettes,
- (x) sexual assault,
- (xi) sexual harassment,
- (xii) sexual misconduct,
- (xiii) significant disruption to school operations,
- (xiv) use or possession of
 - (A) alcohol,
 - (B) drug-related paraphernalia,
 - (C) illegal drugs, or
 - (D) weapons,
- (xv) vandalism, and
- (xvi) verbal abuse;

3 Clause 26(1)(l) of Chapter 1, as amended by Chapter 56 of the Acts of 2012, is further amended by striking out “severely disruptive behaviour, including bullying or cyberbullying” in the fifth line and substituting “unacceptable behaviour”.

4 (1) Subsection 32(1A) of Chapter 1, as enacted by Chapter 21 of the Acts of 2012, is amended by striking out “and” in the second line and substituting “or”.

(2) Subsection 32(5) of Chapter 1, as enacted by Chapter 21 of the Acts of 2012, is amended by

- (a) striking out “and” in the second line and substituting “or”;**
- (b) adding “shall offer the teacher a permanent contract” immediately after “board” in the fifth line; and**
- (c) striking out “shall offer the teacher a permanent contract” in the first and second lines of clause (a).**

5 Clause 38(2)(ea) of Chapter 1, as enacted by Chapter 56 of the Acts of 2012, is amended by

- (a) striking out “severely disruptive behaviour of students, including incidents of bullying and cyberbullying” in the first, second and third lines and substituting “unacceptable behaviour of students”; and**

(b) striking out “severely disruptive” in the fourth line and substituting “unacceptable”.

6 Clause 40(1)(ca) of Chapter 1, as enacted by Chapter 56 of the Acts of 2012, is amended by striking out “severely disruptive behaviour, including bullying and cyberbullying” in the second and third lines and substituting “unacceptable behaviour”.

7 Subsection 52A(2) of Chapter 1, as enacted by Chapter 54 of the Acts of 2008 and amended by Chapter 58 of the Acts of 2011, is further amended by striking out “clauses” in the second line and substituting “clause”.

8 Subsection 64(2) of Chapter 1, as amended by Chapter 5 of the Acts of 2002, Chapter 16 of the Acts of 2005, Chapter 54 of the Acts of 2008, Chapters 14 and 50 of the Acts of 2012, Chapter 2 of the Acts of 2013 and Chapter 13 of the Acts of 2014, is further amended by

- (a) striking out clause (r);
- (b) striking out “severely disruptive” in the first and in the fourth lines of clause (ra) and substituting in each case “unacceptable”;
- (c) striking out “severely disruptive” in the third line of clause (rb) and substituting “unacceptable”; and
- (d) striking out “five” in the fourth line of clause (s) and substituting “ten school”.

9 Section 120A of Chapter 1 is repealed.

10 Section 121 of Chapter 1, as enacted by Chapter 2 of the Acts of 2013, is amended by striking out “disruptive behaviour or severely disruptive” in the first and second lines and substituting “unacceptable”.

11 Section 122 of Chapter 1, as enacted by Chapter 2 of the Acts of 2013, is amended by

- (a) adding “unacceptable behaviour” immediately after “in” the second time it appears in the first line;
- (b) striking out “disruptive behaviour or severely disruptive behaviour” in the first and second lines of clause (a);
- (c) striking out “severely disruptive behaviour” in the first line of clause (b); and
- (d) striking out “five” in the last line and substituting “ten”.

12 Subsection 123(2) of Chapter 1 is amended by striking out “three” in the third line and substituting “five”.

13 (1) Subsection 124(1) of Chapter 1 is amended by striking out “five” in the third and in the last lines and substituting in each case “ten”.

(2) Clause 124(3)(b) of Chapter 1 is amended by striking out “five” in the second line and substituting “ten”.

14 Section 126 of Chapter 1 is amended by

- (a) striking out “five” in the first line and substituting “ten”; and**
- (b) striking out “, in accordance with the regulations” in the fifth line.**

15 Subsection 140A(1) of Chapter 1, as enacted by Chapter 59 of the Acts of 2011, is amended by striking out the semicolon in the fifth line and substituting a period.

16 Clause 141(1)(ja) of Chapter 1, as enacted by Chapter 14 of the Acts of 2012, is amended by striking out “disruptive behaviour and severely disruptive behaviour, including incidents of bullying and cyberbullying” in the fourth and fifth lines and substituting “unacceptable behaviour”.

17 Clauses 145(1)(h) and (pa) are repealed.

18 Section 152 of Chapter 1, as amended by Chapter 16 of the Acts of 2005, is further amended by adding “and Early Childhood Development” immediately after “Education” in the eighth and in the twelfth lines.

19 This Act has effect on and after September 1, 2015.
