



# **BILL NO. 112**

*Government Bill*

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*2nd Session, 63rd General Assembly  
Nova Scotia  
68 Elizabeth II, 2019*

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**An Act to Amend Schedule A  
of Chapter 1 of the Acts of 2018,  
the Education Act,  
Respecting Student Protection**

CHAPTER 14  
ACTS OF 2019

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 12, 2019**

The Honourable Zach Churchill  
*Minister of Education and Early Childhood Development*

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

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**An Act to Amend Schedule A  
of Chapter 1 of the Acts of 2018,  
the Education Act,  
Respecting Student Protection**

Be it enacted by the Governor and Assembly as follows:

**1 Schedule A of Chapter 1 of the Acts of 2018, the *Education Act*, is amended by adding immediately after Section 53 the following heading and Sections:**

RECORD CHECKS

53A In Sections 53A to 53F and clauses 97(1a) to (1j),

(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).

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.

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).

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.

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.

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.

**2 Section 97 of Schedule A of Chapter 1 is amended by adding immediately after clause (l) the following clauses:**

(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;

(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.

**3 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.**

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