

# **Conseil scolaire acadien provincial Act**

CHAPTER 10 OF THE ACTS OF 2023



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## CHAPTER 10 OF THE ACTS OF 2023

# An Act Respecting the Conseil scolaire acadien provincial

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**Short title**

**1** This Act may be cited as the *Conseil scolaire acadien provincial Act*.  
2023, c. 10, s. 1.

**Purpose of Act**

**2** The purpose of this Act is to provide for

- (a) the governance and administration of the Conseil scolaire acadien provincial; and
- (b) publicly funded French-first-language education programs and services respectful of the rights and privileges guaranteed by section 23 of the *Canadian Charter of Rights and Freedoms*. 2023, c. 10, s. 2.

**Interpretation**

**3 (1)** In this Act,

“Conseil” means the Conseil scolaire acadien provincial continued under this Act;

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

“electoral district” means a district for the election of a member of the Conseil;

“entitled parent” means a parent who is a citizen of Canada and

- (a) whose first language learned and still understood is French;
- (b) who received primary school instruction in Canada in a French-first-language education program; or
- (c) of whom any child has received or is receiving primary or secondary school instruction in Canada in a French-first-language education program;

“entitled person” means an entitled parent or a person who, not being an entitled parent, would be an entitled parent if the person were a parent;

“former Act” means Chapter 1 of the Acts of 1995-96, the *Education (CSAP) Act*, or any predecessor to that Act;

“French-first-language education program” means a school program in which the first language of instruction is French and in which the English language is taught, but does not include a French-immersion program;

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

“parent”, except in the definition of entitled parent, includes a guardian and a person acting *in loco parentis* to a child;

“public school program” means the public school program of education set out in the regulations made under the *Education Act* and any additional or equivalent distinct elements to promote the Acadian

culture and French language developed in collaboration with the Conseil and approved by the Minister in accordance with this Act and the regulations;

“Superintendent” means the Superintendent of the Conseil;

“Utility and Review Board” means the Nova Scotia Utility and Review Board.

(2) Where a term is used but not defined in this Act and is defined in the *Education Act*, the definition in the *Education Act* applies to this Act. 2023, c. 10, s. 3.

#### **École acadienne**

4 A public school or part of a public school in which a French-first-language education program is provided is to be known as an *école acadienne*. 2023, c. 10, s. 4.

### MINISTER

#### **Role and powers of Minister**

5 (1) The Minister has the general supervision and management of this Act and shall provide leadership for French-first-language education programs in the education system, in addition to the Minister’s duties under the *Education Act*.

(2) The Minister may, in addition to the Minister’s powers under the *Education Act*,

(a) subject to the regulations, direct the expenditure of funds appropriated by the Legislature for French-first-language educational purposes within the scope of and incidental to this Act;

(b) make grants to the Conseil;

(c) in relation to the Conseil, exercise the powers of the Minister set out in the *Education Act*;

(d) 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 the Minister’s authority under this Act; and

(e) do such other things as the Minister considers necessary or advisable to effectively carry out the Minister’s role and duties under this Act. 2023, c. 10, s. 5.

#### **Consultation on Provincial policy**

6 The Minister shall consult with the Conseil when developing a Provincial policy that has a direct effect on the Conseil. 2023, c. 10, s. 6.

#### **Review of Act**

7 The Minister shall, in consultation with the Conseil, regularly review the effectiveness of this Act, as the Minister considers necessary. 2023, c. 10, s. 7.

## POWERS AND DUTIES OF THE CONSEIL

**Jurisdiction and purpose**

8 (1) The Conseil scolaire acadien provincial is continued.

(2) The Conseil has jurisdiction throughout the Province for the purpose of providing a French-first-language education program to the children of entitled parents and other children who are authorized under this Act and the regulations to receive a French-first-language education.

(3) The Conseil is responsible for the delivery and administration of all French-first-language education programs in the Province. 2023, c. 10, s. 8.

**Language of administration and operation**

9 (1) Subject to subsection (2), the language of administration and operation of the Conseil and all French-first-language education program facilities is French.

(2) Where the circumstances warrant, the Conseil and French-first-language education program facilities must also use English. 2023, c. 10, s. 9.

**Right to French-first-language education**

10 The children of an entitled parent are entitled to be provided a French-first-language education program by the Conseil if they otherwise have a right under this Act to attend a public school and if the numbers warrant the provision of the program out of public funds. 2023, c. 10, s. 10.

**Accountable to Minister**

11 The Conseil is accountable to the Minister and responsible for the control and management of the public schools offering the French-first-language education program within its jurisdiction in accordance with this Act, the *Education Act* and the regulations under those Acts. 2023, c. 10, s. 11.

**Duties of Conseil**

12 The Conseil shall

(a) promote and distribute information about the French-first-language education program;

(b) include in its learning materials information about Acadian culture;

(c) in providing educational programs and related services, engage in activities that promote Acadian culture and the French language;

(d) promote excellence in education and the achievement of all students enrolled in its schools and programs;

(e) 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;

- (f) provide for the education and instruction of all students enrolled in its schools and programs;
- (g) ensure that its schools adhere to the Provincial public school program;
- (h) implement policies respecting special education programming and services consistent with the Provincial policy respecting special education programming and services;
- (i) provide and implement programs and policies promoting Mi'kmaq education;
- (j) include in learning materials information respecting the history, language, heritage, culture, traditions and the contribution to society of the Mi'kmaq;
- (k) provide and implement programs and policies promoting African-Canadian education;
- (l) include in learning materials information respecting the history, heritage, culture, traditions and the contribution to society of African people;
- (m) promote its schools as safe, quality learning environments and as community resources;
- (n) subject to the regulations, provide and pay for the conveyance of students to and from school;
- (o) pay for the boarding of students in accordance with the regulations;
- (p) hire and pay the Superintendent, principals, teachers and other staff;
- (q) pay remuneration in accordance with the regulations to members of the Conseil;
- (r) reimburse, in accordance with the regulations, the reasonable expenses members of the Conseil necessarily incur in the course of their duties;
- (s) implement performance standards and a process for the supervision and evaluation of staff;
- (t) identify staff-development needs;
- (u) collect and aggregate any data regarding its schools, students and staff as may be required by the Minister and report on such data and information to the Minister at the times and in the manner as required by the Minister;
- (v) for the purpose of fostering an orderly and safe learning environment, co-operate with departments to promote and encourage safe and respectful electronic communications;
- (w) develop other policies, consistent with any policies established by the Minister, that reflect the Conseil's responsibilities, including policies with respect to staffing, fair hiring, student-support services, programs, communication by teachers to students and parents, students who have been sus-



pended or expelled, protecting students and employees from harassment and abuse, school-based fund-raising and transportation of students;

(x) encourage the development of school advisory councils within its jurisdiction;

(y) provide for the effective and efficient management of the financial affairs of the Conseil;

(z) supervise capital expenditures;

(aa) provide and pay for adequate equipment and furnishings for its schools and the maintenance and operation of equipment, furnishings and school buildings;

(ab) manage, maintain, repair and keep safe all real and personal property owned, leased or used by the Conseil;

(ac) insure, in amounts agreed upon by the Minister, all buildings and personal property owned by or under the control and management of the Conseil;

(ad) pay its own administration costs including, without limiting the generality of the foregoing, the provision of office space, supplies and equipment, payments to auditors and members of the Conseil, and the enforcement of this Act;

(ae) provide the sums required to pay the cost of arbitration boards appointed under the *Teachers' Collective Bargaining Act* and to implement the awards of such boards;

(af) designate persons to execute agreements on behalf of the Conseil;

(ag) establish a public tendering and procurement policy, consistent with the *Public Procurement Act*;

(ah) with the approval of the Minister, enter into agreements with municipalities for the purpose of carrying out its obligations under this Act and the *Education Act*;

(ai) co-operate with regional centres, the Department, other departments and agencies of the Government and the Nova Scotia Education Common Services Bureau to ensure the effective and efficient carrying out of this Act, the *Education Act* and the regulations under those Acts;

(aj) provide for the supervision of students attending its schools during a student's lunch break at no cost to the student;

(ak) establish a conflict of interest policy for the Conseil staff consistent with the Provincial conflict of interest policy;

(al) adopt a code of ethics in accordance with the regulations;

(am) submit to the Minister an annual report containing any information required by the Minister;

(an) represent the perspective of entitled persons in the development of Provincial and regional policies and programs in respect of public education and related services;

(ao) collaborate with the Department in developing French-first-language curricula and professional development opportunities that reflect and promote Acadian and francophone language and culture; and

(ap) perform such other duties requested or delegated to it by the Minister or required to carry out its responsibilities under this Act and the *Education Act*. 2023, c. 10, s. 12.

### **Bylaws**

**13** With the approval of the Minister, the Conseil may make bylaws for the conduct and operation of a school under its jurisdiction and the exercise of the powers of the Conseil. 2023, c. 10, s. 13.

### **Additional powers**

**14** The Conseil may, with the approval of the Minister,

(a) provide additional services and benefits that the Conseil considers desirable; and

(b) enter into agreements, including tuition agreements, for the provision of services and benefits. 2023, c. 10, s. 14.

### **Administrative structure and compensation**

**15 (1)** The Conseil shall implement an administrative structure for senior staff of the Conseil, as defined in the regulations, in accordance with the administrative structure prescribed by the regulations.

**(2)** The Conseil shall establish a compensation framework for senior staff of the Conseil, as defined in the regulations, in accordance with the compensation framework established by the regulations. 2023, c. 10, s. 15.

### **Fiscal restrictions**

**16 (1)** In any fiscal year the Conseil may not incur or make expenditures that will result in the total expenditures being in excess of the total of the Conseil's revenue from all sources in that fiscal year.

**(2)** An employment or personal-services contract entered into between the Conseil and senior staff of the Conseil, as defined in the regulations, has no effect until approved by the Minister. 2023, c. 10, s. 16.

### **Must meet standards**

**17** The Conseil, in carrying out its responsibilities under this Act and the *Education Act*, must meet any education program, service and performance standards established by the Minister. 2023, c. 10, s. 17.

## **ELECTIONS**

### **Election of Conseil**

**18 (1)** Except as otherwise provided in this Act, the Conseil shall be elected by entitled persons.

(2) Notwithstanding the *Municipal Elections Act*,

(a) only an entitled person may nominate a candidate for election as a member of the Conseil and a person nominating such a candidate is required to sign a statement stating that person's status as an entitled person, in a form prescribed under that Act;

(b) a person applying to vote in an election for the Conseil is not required to take an oath or make an affirmation attesting to that person's status as an entitled person but is required to confirm the person's status as an entitled person and, where a person wishes to provide the confirmation, the person may provide the confirmation by requesting the ballot to vote for the Conseil and that request constitutes the confirmation;

(c) where a person votes in an election for the Conseil, that fact must be entered in the poll book in the manner prescribed by or under that Act;

(d) for greater certainty, the Minister of Municipal Affairs and Housing may, under that Act, prescribe or alter any forms under that Act for the purpose of this Section; and

(e) the Municipal Elections Officer may give such directions as may be necessary for the purpose of this Section.

(3) A returning officer shall accept as sufficient evidence that the candidate or person is an entitled person

(a) subject to subsection 44(5) of the *Municipal Elections Act*, a signed statement, in a form prescribed under that Act, of a candidate that the candidate is an entitled person; or

(b) a statement signed under clause (2)(a). 2023, c. 10, s. 18.

### Membership of Conseil

**19 (1)** The Conseil consists of such number of members, not fewer than five nor greater than 18, as determined by order of the Utility and Review Board.

(2) The members of the Conseil shall be elected from such number of electoral districts as determined by order of the Utility and Review Board.

(3) The boundaries of the electoral districts are as determined by the Utility and Review Board.

(4) The same number of members of the Conseil need not be elected from each electoral district. 2023, c. 10, s. 19.

### Application to determine boundaries

**20** In the year 2023 and every eighth year thereafter, the Conseil shall apply to the Utility and Review Board to confirm or change the number and boundaries of the electoral districts. 2023, c. 10, s. 20.

**Powers and duties of Utility and Review Board**

**21 (1)** In determining the number and boundaries of electoral districts and the number of members elected in each district, the Utility and Review Board shall make such decision as in its opinion is just, and is not restricted to the proposal advanced by the Conseil in its application.

**(2)** The Utility and Review Board may reject an application and require the Conseil to reapply within such time as the Board directs, and may give such directions for the reapplication as the circumstances of the case require.

**(3)** Subject to subsection (4), in determining the number and boundaries of electoral districts and the number of members elected in each district, the Utility and Review Board shall give consideration to

- (a) subject to subsection 19(4), ensuring as nearly as practical equal numbers of electors in each electoral district;
- (b) population density; and
- (c) distribution of the school-age population.

**(4)** In determining the boundaries of the electoral districts and the number of members to be elected from each, the Utility and Review Board must give consideration to effective representation of the Acadian and francophone communities in the Province and effective representation must be considered of greater importance than parity of voting.

**(5)** The Utility and Review Board shall, in setting the numbers and boundaries of electoral districts and the number of members elected in each district, have regard to the existing boundaries of polling and electoral districts. 2023, c. 10, s. 21.

**Application of certain legislation**

**22** Subject to this Act, the powers of the Utility and Review Board and procedures set out in the *Municipal Government Act* apply with necessary changes. 2023, c. 10, s. 22.

**Qualifications**

**23 (1)** Except as otherwise provided in this Act, every person is qualified to be elected or appointed as a member of the Conseil who

- (a) is an entitled person;
- (b) is a Canadian citizen of 18 years of age or older at the time of nomination or appointment;
- (c) has been ordinarily resident in the electoral district for a period of six months preceding nomination day or the day of appointment, and continues to so reside; and
- (d) is not disqualified under this Act.

**(2)** No person is qualified to be nominated or to serve as a member of the Conseil who

- (a) is a member of the House of Commons or the Senate of Canada;

- (b) is a member of the House of Assembly;
  - (c) is a judge of the Nova Scotia Court of Appeal, the Supreme Court of Nova Scotia or the Provincial Court of Nova Scotia;
  - (d) would be a member of the Conseil and a member of the council of a municipality at the same time;
  - (e) accepts or holds office or employment in the service of the Conseil;
  - (f) has been convicted of any corrupt practice or bribery contrary to the *Municipal Elections Act* within the 10 years preceding nomination day; or
  - (g) has been disqualified under the *Municipal Conflict of Interest Act* or the *Municipal Elections Act* from any office and the period of disqualification has not expired.
- (3) A member of the Conseil is eligible for re-election if otherwise qualified.
- (4) Every person who sits or acts as a member of the Conseil after becoming disqualified is guilty of an offence for each day that the person so acts or sits. 2023, c. 10, s. 23.

#### **Restriction on employment of member or former member**

**24** No member of the Conseil may be employed by the Conseil during the period of six months after the person ceases to be a member of the Conseil. 2023, c. 10, s. 24.

#### **Disqualification for conviction**

**25** A member of the Conseil ceases to be a member of the Conseil if the member is convicted of

- (a) an indictable offence that is punishable by a term of imprisonment of a maximum of more than five years; or
- (b) a child-related offence designated in the regulations. 2023, c. 10, s. 25.

#### **Elections**

**26 (1)** The election of members of the Conseil must take place concurrently with and as part of the regular municipal elections for members of the councils of municipalities.

(2) The election of members of the Conseil must be conducted by the returning officers responsible for the conduct of municipal elections.

(3) Notwithstanding subsections (1) and (2), a special election may be conducted by the Conseil if the Minister consents.

- (4) Any additional cost incurred by a municipality from
- (a) the inclusion of the election of members of the Conseil with the regular municipal elections; or

(b) a special election for a member of the Conseil, may be recovered by that municipality from the Conseil.

(5) In the event that there is a dispute between a municipality and the Conseil over the amount to be recovered, the dispute must be submitted to the Minister, who shall consult with the Minister of Municipal Affairs and Housing, or an official designated by the Minister of Municipal Affairs and Housing, and who shall render a decision thereon, which decision is final and binding. 2023, c. 10, s. 26.

#### **Term of office, first meeting and oath of office**

27 (1) A member of the Conseil takes office after taking the oath or affirmation of office prescribed by the regulations at the first meeting of the Conseil following the election at which the member was elected, or within such extended time as the Conseil allows, and holds office for four years or until the next elected Conseil members take office.

(2) The first meeting of the Conseil after an election must be held not less than 14 days nor more than 30 days after the election.

(3) The Superintendent shall call the first meeting of the Conseil after an election.

(4) A judge or a justice of the peace may administer the oath or affirmation of office in either French or English in accordance with the member's wishes.

(5) The Secretary of the Conseil shall enter a certificate of the taking of the oath or affirmation in the minutes. 2023, c. 10, s. 27.

#### **Vacating of seat**

28 (1) The seat of a member becomes vacant if the member

- (a) dies, resigns or ceases to reside in the electoral district;
- (b) acknowledges to the secretary of the Conseil or is found by a court to have become disqualified to serve under this Act or the *Municipal Elections Act*; or
- (c) neglects or refuses to take the oath or affirmation required to be taken, at or before the first meeting of the Conseil after the election, or within such extended time as the Conseil allows.

(2) Notwithstanding subsection 23(2), a member who is elected to the House of Assembly or the House of Commons of Canada or who is appointed to the Senate of Canada ceases to be a member of the Conseil 30 days after such election or appointment, unless the member sooner resigns.

(3) Where a seat becomes vacant, the secretary shall report the fact to the Conseil in writing and shall thereupon declare the seat vacant.

(4) Notwithstanding any provision of this Act, where a vacancy occurs in the seat of a member of the Conseil because a member has resigned, that member may not be a candidate in a special election held to fill that seat. 2023, c. 10, s. 28.

**When vacancy to be filled**

**29 (1)** A vacancy in the seat of a member of the Conseil occurring within six months of the next regularly scheduled election for Conseil members may not be filled.

**(2)** Where a vacancy in the seat of a member of the Conseil occurs within two years but not within six months of the next regularly scheduled election for Conseil members, following consultation with the Conseil and such other consultation as the Minister considers appropriate, the Minister shall appoint a person qualified to be elected to that position and the person appointed has the powers, privileges and duties as if elected to that position.

**(3)** A vacancy in the seat of a member of the Conseil occurring more than two years before the next regularly scheduled election for Conseil members must be filled by special election under the *Municipal Elections Act*. 2023, c. 10, s. 29.

**Consequences of absence from meetings**

**30 (1)** Where a member fails to attend three consecutive regular meetings of the Conseil without reasonable excuse satisfactory to the Conseil, the Conseil shall declare the seat of the member vacant, the member thereupon ceases to be a member of the Conseil and Section 29 applies with necessary changes.

**(2)** For greater certainty, subsection (1) does not apply for non-attendance because of an inability to attend a meeting of the Conseil because of censure under clause 31(1)(b), (c) or (d). 2023, c. 10, s. 30.

**Censure of a member by Conseil**

**31 (1)** Where the Conseil determines that a member has not complied with the Conseil's code of ethics, the Conseil may censure the member by

(a) issuing a public reprimand by motion at an open meeting of the Conseil;

(b) revoking the member's right to sit as a member for one to three months;

(c) suspending the member from the Conseil, including the suspension of all the member's rights, duties and privileges as a member of the Conseil, for one to three months; or

(d) recommending to the Minister that the member's seat be vacated.

**(2)** Where a member of the Conseil is censured under clause (1)(b), (c) or (d), the member may appeal to a single adjudicator appointed by the Minister and the adjudicator may set aside or vary the censure as the adjudicator considers appropriate.

**(3)** A decision by the Conseil to censure a member under clause (1)(a) is final and binding.

**(4)** The adjudication under subsection (2) must be conducted in either French or English in accordance with the member's wishes.

(5) A decision made under subsection (2) must be provided in both French and English. 2023, c. 10, s. 31.

#### **Actions by Minister**

**32 (1)** Where under Section 31 the Conseil recommends to the Minister that the seat of a member of the Conseil be vacated, the Minister may, subject to subsection (2), vacate the member's seat.

(2) Where an appeal under subsection 31(2) is in respect of censure under clause 31(1)(d), no action to fill the vacancy may be taken before the adjudicator has rendered a decision and notified the Minister, the Conseil and the member of the decision.

(3) Where the Minister considers it necessary for a member of the Conseil to be censured and the Conseil fails to censure the member or to censure the member appropriately, the Minister may

- (a) direct the Conseil to censure the member under clause 31(1)(a), (b) or (c) as the Minister considers appropriate; or
- (b) vacate the member's seat.

(4) Where the Minister directs the Conseil to censure a member under clause (3)(a), the Conseil shall comply with the Minister's direction. 2023, c. 10, s. 32.

### MEMBERS AND MEETINGS

#### **Chair and Vice-chair**

**33 (1)** The members of the Conseil shall, at the first meeting of the Conseil after an election, and annually thereafter until the next election, elect a Chair and a Vice-chair from among the members.

(2) The Superintendent shall preside at the first meeting of the Conseil after an election until the Chair of the Conseil is elected, or a temporary chair is appointed by the members.

(3) For greater certainty, the Superintendent may not preside at more than one meeting of the Conseil after each election.

(4) The Conseil shall, where the Chair is not elected, choose a temporary chair to preside over the meetings of the Conseil until the Chair is elected or appointed.

(5) Where a majority of the members do not agree upon the choice of the Chair, the Governor in Council shall appoint the Chair from among the members.

(6) The Vice-chair shall perform the functions of the Chair in the event of the absence or incapacity of the Chair. 2023, c. 10, s. 33.



**Term of office**

**34 (1)** The term of office of the Chair and of the Vice-chair is one year and they may be re-elected.

**(2)** Where a vacancy occurs in the office of the Chair or of the Vice-chair, the Conseil shall, at its first meeting after the vacancy occurs, elect one of its members to fill the vacant office for the balance of the term of office of the person who vacated the office. 2023, c. 10, s. 34.

**Minimum number of meetings**

**35** The Conseil shall meet at least four times in each year at such time and place as the Chair designates or the bylaws prescribe. 2023, c. 10, s. 35.

**Bylaw-making powers and committee representation**

**36 (1)** The Conseil may make bylaws, in accordance with the regulations, to

(a) fix the date, hour and place of the meetings of the Conseil;

(b) provide for standing and special committees of the Conseil; and

(c) regulate its proceedings and provide for preserving order at its meetings.

**(2)** The Conseil may include on its committees representation from the community. 2023, c. 10, s. 36.

**Meetings**

**37 (1)** All meetings of the Conseil must be open to the public.

**(2)** Notwithstanding subsection (1), a meeting, or part of a meeting, of the Conseil may be held in private for the purpose of considering issues involving individual students, personnel matters or other confidential information as determined by a majority of the members of the Conseil present.

**(3)** Where the Conseil meets in private under subsection (2), it may not make any decision in private other than a procedural decision.

**(4)** The Conseil may not determine by secret ballot any matter before it other than the election of a Chair and Vice-chair.

**(5)** The person presiding at any meeting of the Conseil may cause to be expelled and excluded any person who is disrupting the proceedings of the Conseil. 2023, c. 10, s. 37.

**Conduct of meetings**

**38 (1)** Subject to subsection (2), the Chair of the Conseil shall preside at all meetings of the Conseil.

(2) During the temporary absence of the Chair, the Vice-chair shall preside or, where neither is present, the Conseil may appoint a person from among the members present to preside at the meeting. 2023, c. 10, s. 38.

#### **Quorum**

39 A quorum of the Conseil is a majority of its members serving at the time. 2023, c. 10, s. 39.

#### **Effect of vacancy**

40 A vacancy on the Conseil does not impair the authority of the remaining members to act. 2023, c. 10, s. 40.

#### **Majority vote**

41 (1) All questions arising at a meeting of the Conseil must be decided by a majority of votes.

(2) The Chair has a right to vote on all questions before the Conseil and, in the event of a tie, the question voted on is deemed to be determined in the negative. 2023, c. 10, s. 41.

#### **Secretary and Treasurer**

42 (1) The Conseil shall appoint a Secretary and a Treasurer or a person as both Secretary and Treasurer.

(2) The Secretary and the Treasurer of the Conseil shall perform such duties as are assigned by the Conseil.

(3) The Secretary and the Treasurer of the Conseil shall, before entering upon or continuing to perform the duties of their offices, give security in the form of a bond or policy of a guarantee company, approved by the Governor in Council under the *Sureties Act*, in such amount as is prescribed by the Conseil, but in no case less than \$100,000. 2023, c. 10, s. 42.

### MINUTES, RECORDS AND ACCOUNTS

#### **Minutes and other records**

43 (1) A copy of the minutes of a meeting of the Conseil certified by the Secretary of the Conseil to be a true copy, or an extract from the minutes similarly certified, is admissible in evidence without proof of the signature or appointment of the Secretary and is *prima facie* proof of the matters stated in the copy or extract.

(2) The Conseil must make open to the inspection of any person without fee at all reasonable times the books, records and accounts of

- (a) the Conseil;
- (b) a committee of the Conseil;
- (c) the Secretary of the Conseil; and
- (d) a secretary of a committee of the Conseil,

including gross salaries of its employees and the members of the Conseil and its committees and including employment and personal services contracts of employees, but not including personnel records. 2023, c. 10, s. 43.

#### **Bylaws respecting records**

**44 (1)** Subject to this Act and the *Government Records Act*, the Conseil may make bylaws with respect to the preservation, destruction or disposal of records of the Conseil.

**(2)** No record of the Conseil may be destroyed pursuant to a bylaw of the Conseil unless

(a) the Secretary of the Conseil has submitted to the Conseil the Secretary's certificate stating that the Secretary has personally examined the records proposed to be destroyed and that, in the Secretary's opinion, there is no operational need to retain the records; and

(b) the Conseil has approved the destruction of the records referred to in the certificate.

**(3)** Notwithstanding subsection (2), the Conseil shall follow any policy set by the Minister in respect of the destruction of

(a) documents, plans and surveying records pertaining to or affecting the title to real property;

(b) records required to be kept by any enactment;

(c) records less than six years old;

(d) minutes, bylaws or resolutions of the Conseil;

(e) records relating to school attendance by students;

(f) records relating to student progress; and

(g) records relating to the employment and service of teachers. 2023, c. 10, s. 44.

### **ADDITIONAL DUTIES OF CONSEIL AND MEMBERS**

#### **Commercial and unauthorized activity**

**45 (1)** The Conseil may not engage in or carry out any commercial activity, including lending, without the approval of the Minister.

**(2)** For greater certainty, the Conseil may not engage in or carry out any activity that is outside the authority, powers, duties and responsibilities of the Conseil under this Act, the *Education Act* and the regulations under those Acts. 2023, c. 10, s. 45.

#### **Duties of members**

**46** Every member of the Conseil shall

(a) maintain a focus on the achievement of all students enrolled in the Conseil's schools and programs;

- (b) respect that the Superintendent is responsible for the day-to-day management of the Conseil;
- (c) act in the best interest of the Conseil and carry out the member's responsibilities in a manner that assists the Conseil in fulfilling its duties;
- (d) promote quality education, the efficient delivery of services and enhanced community involvement; and
- (e) in undertaking the member's duties in accordance with this Act and the *Education Act*, promote Acadian and francophone language and culture. 2023, c. 10, s. 46.

### Duties of Conseil

**47 (1)** In carrying out its responsibilities and in exercising its authority under this Act, the Conseil shall comply with the policies of the Department and the directives of the Minister issued in accordance with this Act.

- (2) Where, in the opinion of the Minister,
  - (a) the health, safety or educational welfare of the students of a school are endangered or the resources of the Conseil are not being used in a responsible manner;
  - (b) the Conseil has failed to censure a member of the Conseil as directed by the Minister;
  - (c) the Conseil has failed to meet the standards referred to in Section 17; or
  - (d) the Conseil has failed to comply with a request of the Minister to take corrective action,

the Minister may appoint one or more entitled persons who shall carry out such responsibilities and exercise such authority of the Conseil as the Minister determines and in such manner as the Minister determines and, to the extent the Minister determines, the Conseil ceases to have such responsibilities or authority.

**(3)** An entitled person appointed under subsection (2) must be able to carry out the responsibilities and exercise the authority referred to in that subsection in both French and English. 2023, c. 10, s. 47.

## LANGUAGE, CULTURE AND COLLABORATION

### Memorandum of understanding

**48** The Minister and the Conseil may enter into a memorandum of understanding that outlines their shared commitment to collaborate and work together in partnership. 2023, c. 10, s. 48.

### Director of French-first-language education

**49 (1)** A Director of French-first-language Education shall be appointed in accordance with the *Civil Service Act*.

(2) Additional persons may be appointed to positions related to French-first-language education in accordance with the *Civil Service Act*. 2023, c. 10, s. 49.

#### PARENTS AND STUDENTS

##### **Duty to support language and engage**

**50 (1)** In addition to the duties under the *Education Act* of every parent, it is the duty of every parent of a child enrolled in a school under the jurisdiction of the Conseil to

- (a) support the child in the child's French-first-language education; and
- (b) make efforts to engage with the child in school and educational activities promoting Acadian and francophone language and culture.

(2) 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. 2023, c. 10, s. 50.

#### SUPERINTENDENT

##### **Appointment of Superintendent**

**51 (1)** The Conseil shall appoint a Superintendent.

(2) The Superintendent of the Conseil shall be chosen from all interested candidates

- (a) through an open and unrestricted competition; and
- (b) strictly on the basis of merit, including
  - (i) educational qualifications, professional experience, personal qualities and general ability to discharge the responsibilities of the office, and
  - (ii) the ability to promote Acadian and francophone language and culture.

(3) Nothing in this Section affects the status of the Superintendent in office when this Act comes into force. 2023, c. 10, s. 51.

##### **Function and duties**

**52 (1)** The Superintendent is accountable to the Conseil and has overall responsibility for

- (a) the efficient operation of the Conseil office and schools and services under its jurisdiction;
- (b) the supervision of all employees of the Conseil; and
- (c) the educational performance of the students and the schools under its jurisdiction.

- (2) It is the duty of the Superintendent to
- (a) administer and evaluate the programs offered by the Conseil;
  - (b) conduct, or cause to be conducted, an annual performance appraisal of every principal, every vice-principal and all other staff employed by the Conseil;
  - (c) provide centralized management of services for public schools that are most efficiently provided across the Conseil as a whole;
  - (d) oversee the carrying out of Provincial policies and the Conseil's policies and report annually to the Conseil on the carrying out of those responsibilities;
  - (e) monitor public-school improvement plans and the annual reports of school advisory councils, and annually report to the Conseil on their status;
  - (f) ensure that resources are distributed to public schools in accordance with applicable policies and guidelines;
  - (g) maintain a safe, orderly and supportive learning environment in all schools under the jurisdiction of the Conseil;
  - (h) provide leadership for the Conseil and work closely with principals and staff in promoting
    - (i) quality education,
    - (ii) the efficient delivery of services,
    - (iii) enhanced community involvement, and
    - (iv) Acadian and francophone language and culture;
  - (i) assist principals in efficient and effective management and decision-making at the school level;
  - (j) work with principals to ensure that students and schools meet the expectations of the school program;
  - (k) co-operate with regional centres, the Department and other departments and agencies of the Government to ensure the effective and efficient carrying out of this Act and the regulations;
  - (l) operate and maintain buildings, equipment, supplies and student conveyance under the jurisdiction of the Conseil;
  - (m) report to the Conseil annually on the performance of students and its schools, and make such other reports as are requested by the Conseil; and
  - (n) perform such other duties as are prescribed by this Act or the regulations or assigned by the Conseil. 2023, c. 10, s. 52.

## FINANCES AND PROPERTY

**Power of Minister to withhold payments**

**53** The Minister may withhold the payment of all or any part of financial assistance that would otherwise be payable to the Conseil if the Conseil

(a) fails to provide and administer any part of the public school program that the Conseil is required to provide; or

(b) fails or refuses to furnish such schedules and reports that the Minister may from time to time require concerning the administration and operation of public schools. 2023, c. 10, s. 53.

**Special reserve fund**

**54 (1)** The Conseil shall maintain a special reserve fund into which must be paid or credited such sums of money equal to any portion of any grant for capital purposes that has not been expended at the end of a fiscal year.

(2) Where an item of real or personal property with a value of \$25,000 or more is no longer required by the Conseil for its purposes, the Conseil may, with the consent of the Minister, sell the same and shall pay the proceeds into the special reserve fund.

(3) The interest earned by the special reserve fund forms part of the fund.

(4) The special reserve fund may only be used for capital purposes as approved by the Minister. 2023, c. 10, s. 54.

**Investment policies**

**55 (1)** Subject to subsection (2) and the regulations, the Conseil may, for the sound and efficient management of any money of the Conseil, establish and adhere to investment policies, standards and procedures that a reasonable and prudent person would apply in respect of a portfolio of investments and loans to avoid undue risk of loss and to obtain a reasonable return.

(2) Nothing in this Section or the regulations permits the Conseil to invest money received under a trust in investments that are expressly forbidden by the instrument, if any, creating the trust. 2023, c. 10, s. 55.

**Disbursement of funds**

**56** The funds of the Conseil may be disbursed only by the Conseil and, where the Conseil determines the services provided by it or some of them should be provided by others, payment for those services may be made only on certification of accounts in a manner satisfactory to the Conseil. 2023, c. 10, s. 56.

**Financial statements**

**57** The Conseil shall for each fiscal year prepare financial statements in the form prescribed by the Minister and shall submit the statements to the Minister before July 1st of the next fiscal year. 2023, c. 10, s. 57.

**Auditor**

**58 (1)** The Conseil shall annually appoint a person who is a licensed public accountant or a firm in which a member of the firm is a licensed public accountant to be the auditor of the Conseil.

**(2)** Where the Conseil does not appoint an auditor in accordance with subsection (1), the Minister may appoint one on behalf of the Conseil. 2023, c. 10, s. 58.

**Audit**

**59 (1)** Within three months after the end of each fiscal year, the auditor of the Conseil shall examine and report on the financial statements of the Conseil for the preceding fiscal year, including

(a) a statement of revenue and expenditure for the operating fund and any other fund of the Conseil;

(b) a continuity of the surplus or deficit statement for the operating fund and any other fund of the Conseil;

(c) any required public sector compensation reports;

(d) a statement of assets and liabilities for the operating fund and any other fund of the Conseil as of the end of the fiscal year; and

(e) such other statement or information as may be required by law or by the Conseil.

**(2)** The auditor shall perform the annual examination in accordance with generally accepted auditing standards.

**(3)** The auditor shall attach to the financial statements a report that states whether

(a) the auditor has obtained all the information and explanations the auditor has required;

(b) the auditor's examination was made in accordance with generally accepted auditing standards and accordingly included such tests and other procedures as the auditor considered necessary in the circumstances; and

(c) the statements present fairly the financial position of the Conseil as at the end of the fiscal year and the results of its operations for the preceding fiscal year in accordance with generally accepted accounting principles, as set out by the Minister in the financial management system approved by the regulations.

**(4)** The auditor is entitled to free access at all times to the records, documents, books, accounts and vouchers of the Conseil and to receive from the officers and employees of the Conseil such information and explanations that, in the opinion of the auditor, are necessary for the performance of the auditor's duty.

**(5)** Every officer and employee of the Conseil shall promptly provide to the auditor the access, information and explanations to which the auditor is entitled.



(6) Within three months after the end of each fiscal year, the auditor shall present to the Conseil at a meeting of the Conseil

- (a) the audited financial statements for the preceding fiscal year;
- (b) the auditor's report on the financial statements; and
- (c) any management letter or other written communications between the Conseil and the auditor detailing weaknesses in internal control, deficiencies in management-information systems, transactions lacking authority, defalcation, irregularity or any other area requiring attention or improvement.

(7) Within four months after the end of each fiscal year, the Conseil shall provide to the Minister a copy of the material referred to in subsection (6) in French and English, together with any other reports the Minister prescribes. 2023, c. 10, s. 59.

#### **Audit committee**

**60** The Conseil shall establish an audit committee of the Conseil composed of those persons and with the terms of reference prescribed by the regulations. 2023, c. 10, s. 60.

#### **Property and finances**

**61 (1)** For the purpose of establishing, maintaining and operating public schools, the Conseil may

- (a) acquire, hold, improve and maintain any real or personal property for such consideration and on such conditions as the Minister considers proper;
- (b) lease, sell or convey any real or personal property for such consideration and on such conditions as the Minister considers proper;
- (c) improve, renovate, alter, add to, repair, extend, provide service to, furnish and equip buildings for public school purposes on such terms and conditions as the Minister considers proper;
- (d) subject to the *Municipal Finance Corporation Act* and with the approval of the Minister, borrow money by the issue of bonds, debentures, promissory notes or other securities to evidence such borrowing on such terms and conditions as are approved by the Minister;
- (e) with the approval of the Minister postpone a borrowing under clause (d) and borrow by way of a temporary loan from a chartered bank, trust company or other financial institution in the Province by the execution of promissory notes or other instruments used in connection with temporary borrowings;
- (f) with the approval of the Minister, borrow money from the Maintenance Stabilization Trust Fund; and
- (g) with the approval of the Minister, borrow up to one per cent of the operating expenditure budget for the current fiscal year to meet current operating expenditures.

(2) An amount borrowed under clause (1)(g) must be repaid in full by the end of the fiscal year in which the amount was borrowed.

(3) The Minister may, on behalf of the Crown in right of the Province, guarantee the repayment of principal and payment of interest on any borrowings made under subsection (1) on such terms and conditions as the Governor in Council determines.

(4) The Conseil shall pay the interest and repay the principal in respect of sums borrowed by the Conseil under this Section. 2023, c. 10, s. 61.

#### Further provision respecting property

62 Where the Minister, after consultation with the Conseil, is satisfied that it is necessary to acquire property or to construct, purchase, improve, renovate, alter, add to, repair, extend, provide service to, furnish and equip buildings or other works for public school purposes for a French-first-language education program, the Minister may

- (a) acquire property for such consideration and on such conditions as the Minister considers appropriate;
- (b) construct, alter or add to buildings or other works for school purposes; and
- (c) furnish and equip such buildings,

and all expenditures for such purposes must be paid by the Crown in right of the Province. 2023, c. 10, s. 62.

#### Investigation and audit of Conseil

63 (1) In this Section, “records” means information or data recorded and stored by graphic, photographic, electronic, mechanical or other means and includes books, accounts, financial records, operational data, reports, minutes, files, correspondence, drawings, photographs and electronic mail.

(2) The Minister may, from time to time, appoint one or more persons to

- (a) conduct an independent financial audit of the Conseil;
- and
- (b) inquire into or investigate any Conseil matter related to
  - (i) the Conseil’s financial condition,
  - (ii) the Conseil’s administrative affairs,
  - (iii) the health, safety or educational welfare of the students of a school, and
  - (iv) any other matter connected with the organization, management, administration or operation of the Conseil.

(3) A person appointed under subsection (2) must be able to

- (a) conduct the audit, inquiry or investigation in French and English; and
- (b) submit a report in French and English.

(4) Where the Minister so provides, a person appointed under subsection (2) has all the powers, privileges and immunities of a commissioner under the *Public Inquiries Act* with the exception of the powers respecting contempt, arrest and imprisonment.

(5) A person appointed under subsection (2) is entitled to receive and be paid such fees as may be fixed and paid by the Minister.

(6) A person appointed under subsection (2) may

(a) examine and make copies of any relevant records or property; and

(b) upon giving a receipt therefor, remove any records or property for the purpose of making copies, in which case the copying must be carried out with reasonable dispatch and the items removed promptly returned to the Conseil.

(7) A person appointed under subsection (2) shall report the results of the audit, inquiry or investigation to the Minister.

(8) Upon receipt of the report, the Minister may, as the Minister considers appropriate,

(a) issue directives to the Conseil regarding corrective action; and

(b) take such other action as authorized by this Act. 2023, c. 10, s. 63.

#### **Surplus lands and buildings**

64 Where land and buildings vested in the Conseil are declared surplus by the Conseil and the lands and buildings were owned by a regional centre or a predecessor to the regional centre prior to the vesting of the land and building in the Conseil, the Minister may require the land and buildings to be conveyed to the Crown in right of the Province subject only to any lien, mortgage or charge in respect of unmaturing debt that exists at the time the land and buildings are declared surplus. 2023, c. 10, s. 64.

### REGULATIONS

#### **Regulations by Minister**

65 (1) The Minister may make regulations

(a) respecting the manner and form in which the Conseil is to report, as required by this Act, the payments, including salaries and expenses, made to and benefits conferred on members and employees of the Conseil;

(b) respecting an administrative structure and a compensation framework for the purpose of Section 15;

(c) defining “senior staff” for the purpose of Sections 15 and 16;

(d) prescribing the oath or affirmation to be taken by members of the Conseil;

(e) prescribing the mandatory content of a code of ethics adopted by the Conseil;

(f) respecting the appointment of adjudicators to hear appeals from a decision of the Conseil to censure a member of the Conseil;

(g) prescribing the mandatory content of a procedural bylaw respecting the conduct of meetings of the Conseil;

(h) respecting a financial management system respecting estimates, bookkeeping and accounting to be adopted by the Conseil, and the form of and the manner in which all estimates, books of account, registers, records, vouchers, receipts and other books and documents relating to the assets, liabilities, revenues and expenditures of the Conseil must be kept, and the manner in which all funds and money thereof must be accounted for;

(i) respecting the support, conduct, operation and management of public schools and services under the jurisdiction of the Conseil;

(j) respecting reporting systems and forms for the administration and effective carrying out of this Act;

(k) prescribing any additional elements to the public school program to promote the Acadian culture and French language;

(l) respecting curriculum development and implementation for the French-first-language education program and related professional development.

(2) The Minister shall consult with the Conseil prior to making regulations under this Act on matters within the Conseil's mandate in respect of the preservation and promotion of the Acadian and francophone language and culture in the public education system.

(3) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*, 2023, c. 10, s. 65.

#### **Regulations by Governor in Council**

**66 (1)** The Governor in Council may, on the recommendation of the Minister, make regulations

(a) prescribing additional duties of the Superintendent;

(b) prescribing those who are authorized to receive a French-first-language education program in the Province, in addition to persons entitled under Section 10;

(c) prescribing the method for determining those who are entitled under Section 10 or otherwise authorized to receive a French-first-language education program in the Province;

(d) establishing procedures for determining the demand for French-first-language education programs in the Province;

- (e) providing for the method of determining the location of French-first-language education program facilities;<sup>ya</sup>
- (f) generally providing for the provision and administration of French-first-language education programs in the Province;
- (g) providing for the conveyance of students to facilities providing a French-first-language education program;
- (h) providing for the manner in which students may be transferred between a school of the Conseil and a school of a regional centre;
- (i) providing for the sharing of enrolment information between the Conseil and a regional centre;
- (j) respecting surplus operating funds of the Conseil;
- (k) prescribing or prohibiting the investment of money of the Conseil and prescribing investments or classes of investments in which such money may be invested for the sound and efficient management of any money of the Conseil;
- (l) setting the maximum percentage of the Conseil budget or the maximum amount that may be spent for non-instructional purposes;
- (m) respecting remuneration paid to members of the Conseil;
- (n) respecting reimbursement of expenses paid by members of the Conseil in the course of their duties, including establishing limits and restrictions on such reimbursement;
- (o) respecting the composition of an audit committee of the Conseil and the terms of reference of that committee;
- (p) respecting any matter related to an audit, inquiry, investigation or report of the Conseil;
- (q) designating a child-related offence for the purpose of clause 25(b);
- (r) respecting such other matters as the Governor in Council considers necessary or advisable for French-first-language education programs;
- (s) respecting the expenditure, by way of grants, of money from time to time appropriated by the Legislature for grants for French-first-language educational purposes and prescribing the terms and conditions upon which such grants must be paid;
- (t) respecting the construction, location and control of school buildings under the jurisdiction of the Conseil;
- (u) respecting confidentiality of information held by the Conseil or a school with respect to students and the release of such information;
- (v) respecting consultations between the Conseil and the Minister;

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

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

(2) The Minister shall consult with the Conseil prior to making a recommendation to the Governor in Council regarding regulations under this Act on matters within the Conseil's mandate in respect of the preservation and promotion of the Acadian and francophone language and culture in the public education system.

(3) For greater certainty, the Minister shall consult with the Conseil prior to making a recommendation to the Governor in Council regarding a regulation to be made under clause (1)(b) or (c).

(4) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*, 2023, c. 10, s. 66.

#### Existing regulations

67 (1) For greater certainty, any regulation made under Chapter 6 of the Acts of 1991, the *School Boards Act*, or the former Act remains in force in so far as it is not inconsistent with this Act.

(2) A regulation referred to in subsection (1) may be amended or repealed under this Act. 2023, c. 10, s. 67.

#### REPEAL

#### Former Act repealed

68 **The former Act is repealed.** 2023, c. 10, s. 68.

#### CONSEQUENTIAL AMENDMENTS

#### Education Act amended

69 to 121 *amendments*

#### Freedom of Information and Protection of Privacy Act amended

122 *amendment*

#### EFFECTIVE DATE

#### Proclamation

123 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2023, c. 10, s. 123.

Proclaimed - August 13, 2024  
In force - August 15, 2024