

# Education (CSAP) Act

## CHAPTER 1 OF THE ACTS OF 1995-96

*as amended by*

1998, c. 18, s. 555; 2000, c. 11; 2002, c. 5, ss. 8-16;  
2003, c. 9, ss. 44-46, 48; 2004, c. 3, ss. 16-19; 2004, c. 4, s. 110;  
2004, c. 6, ss. 3, 4; 2005, c. 16; 2006, c. 27; 2007, cc. 15, 37; 2008, c. 2, s. 4;  
2008, c. 53; 2008, c. 54, ss. 1-6, 9-12; 2009, c. 11; 2010, c. 13;  
2010, c. 37, ss. 65, 66; 2010, c. 50; 2011, c. 8, s. 5; 2011, c. 57, ss. 3(1), 4;  
2011, cc. 58, 59; 2012, cc. 14, 20, 21, 50, 56; 2013, c. 2, ss. 25-27;  
2014, c. 13; 2015, c. 16; 2018, c. 1, s. 2, Sch. A, ss. 105, 106; 2017, c. 7, s. 16(2)



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2003, c. 9, ss. 44-46, 48; 2004, c. 3, ss. 16-19; 2004, c. 4, s. 110;  
2004, c. 6, ss. 3, 4; 2005, c. 16; 2006, c. 27; 2007, cc. 15, 37; 2008, c. 2, s. 4;  
2008, c. 53; 2008, c. 54, ss. 1-6, 9-12; 2009, c. 11; 2010, c. 13;  
2010, c. 37, ss. 65, 66; 2010, c. 50; 2011, c. 8, s. 5; 2011, c. 57, ss. 3(1), 4;  
2011, cc. 58, 59; 2012, cc. 14, 20, 21, 50, 56; 2013, c. 2, ss. 25-27;  
2014, c. 13; 2015, c. 16; 2018, c. 1, s. 2, Sch. A, ss. 105, 106; 2017, c. 7, s. 16(2)

# An Act Respecting Education

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WHEREAS the education system of Nova Scotia is of vital importance to the future of Nova Scotia;

AND WHEREAS meaningful partnerships between and participation by students, parents, teachers, other staff in the public school system, school board members and the public should be encouraged to ensure a high-quality education system;

AND WHEREAS students should have a right and a responsibility to participate fully in learning opportunities, contribute to an orderly and safe learning environment and, in appropriate circumstances, participate in decisions that affect their schools;

AND WHEREAS parents should have a right and a responsibility to support their children in achieving learning success and participate in decisions that affect their children;

AND WHEREAS students, parents, teachers, support staff, principals and school boards share responsibility for implementing a school-wide approach to maintaining a positive and inclusive school climate where everyone has a role to play in the awareness and prevention of unacceptable behaviour—including bullying and cyberbullying—and where all students are supported to develop healthy relationships, make good choices, continue their learning and achieve success;

AND WHEREAS an orderly and safe learning environment where all students feel respected and accepted is a necessary condition for student success;

AND WHEREAS students must be held accountable for their actions, and responsibility and accountability can be fostered through preventative, proactive and restorative approaches;

AND WHEREAS the education community, in making decisions, should consider the diverse nature and heritage of society in Nova Scotia within the context of its values and beliefs;

AND WHEREAS the education system should be committed to fair and equitable participation and benefit by all people in Nova Scotia:

Preamble amended 2012, c. 14, s. 2; 2015, c. 16, s. 1.

#### **Short title**

**1** This Act may be cited as the *Education (CSAP) Act*. 1995-96, c. 1, s. 1; 2018, c. 1, Sch. A, s. 105.

#### **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. 1995-96, c. 1, s. 2.

#### **Interpretation**

- 3** (1) In this Act,
- (a) “African-Canadian education” means the development of programs, resources and learning materials that provide informa-

tion about and promote understanding of African people and their history, heritage, culture, traditions and contributions to society, recognizing their origins as Africans;

(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) “Conseil acadien” means the *Conseil scolaire acadien provincial* established by this Act;

(c) “conseil d’école” means a *conseil d’école* established pursuant to Chapter 6 of the Acts of 1991, the *School Boards Act*;

(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;

(d) “district school board” means a district school board established by or pursuant to this Act;

(e) *repealed 2000, c. 11, s. 1.*

(f) “educational facility” means a school house, building or classroom, including a mobile classroom;

(g) “electoral district” means a district for the election of a member of a school board;

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

(i) whose first language learned and still understood is French,

(ii) who received his or her primary school instruction in Canada in a French-first-language program, or

(iii) of whom any child has received or is receiving primary or secondary school instruction in Canada in a French-first-language program;

(i) “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;

(j) “former Act” means Chapter 136 of the Revised Statutes, 1989, the *Education Act*, or any predecessor to that Act;



(k) “French-first-language 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;

(l) “home education program” means a course of study provided to a student under the direction of the student’s parent and centered in the student’s home;

(m) *repealed 2010, c. 37, s. 65.*

(n) “local amalgamation committee” means a local amalgamation committee appointed pursuant to this Act;

(o) “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 pursuant to the *Municipal Grants Act*, or such lesser amount as determined by the regulations;

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

(q) “Mi’kmaq” means all first-nations people, whether living on or off a reserve;

(r) “Mi’kmaq education” means the development of 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;

(s) “municipality” means a regional municipality, city, incorporated town or municipality of a county or district;

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

(u) “permanent contract” means a written contract between a school board and a teacher in a form approved by the Minister that has been entered into after the teacher has served under a probationary contract, or has been employed by the school board for two or more years immediately preceding the year in which the school board entered into probationary and permanent contracts with the teacher for the first time;

(v) “person in charge” of a child means a person over the age of nineteen years with whom a child lives or who controls or is in a position to control or has the apparent charge of a child;

(w) “principal” means the principal of a public school, appointed by the school board pursuant to this Act;

(x) “private school” means a school, other than a public school, that serves school-age children and has a curriculum compa-

rable to that provided by the public schools but does not include a home-education program;

(y) “probationary contract” means a written contract between a school board and a teacher in a form approved by the Minister whereby the teacher is employed on a probationary basis;

(z) “public school” means a public school maintained and conducted under this Act;

(aa) “ratepayer” means a person liable to taxation pursuant to the *Assessment Act*;

(ab) “regional education officer” means a regional education officer appointed pursuant to this Act;

(ac) “regional school board” means a regional school board established pursuant to this Act;

(ad) “school board” means a district school board, a regional school board or the Conseil acadien;

(ae) “school district” means the area over which a district school board has jurisdiction;

(af) “school program” means the public-school program of education prescribed by the regulations;

(ag) “school region” means the area over which a regional school board or the Conseil acadien exercises jurisdiction;

(ah) “superintendent” means the superintendent of schools appointed for a school region;

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

(aj) “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 the public schools in the Province, including a vocational teacher’s certificate or a vocational teaching permit issued by the Minister, and

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

(ak) “term contract” means a written contract, other than a probationary or permanent contract, between a school board and a teacher in a form approved by the Minister;

(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;

(al) “Utility and Review Board” means the Nova Scotia Utility and Review Board.

**(2)** Notwithstanding clause (1)(d), in clauses 8(i) and 9(1)(b) and subsections 9(4) and (5), 14(2), 80(4) and 93(1), “district school board” means a district school board established pursuant to the former Act. 1995-96, c. 1, s. 3; 2000, c. 11, s. 1; 2005, c. 16, s. 1; 2010, c. 37, s. 65; 2012, c. 21, s. 1; 2015, c. 16, s. 2.

### **Application of Act**

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

**(2)** In the event of a conflict between this Act and the *Education Act*, the *Education Act* prevails. 2018, c. 1, Sch. A, s. 106.

**Supervision of schools and education**

4 The Minister has the general supervision of public schools and education in the Province. 1995-96, c. 1, s. 4.

## PUBLIC SCHOOLS

**Free schools**

5 (1) All public schools established or conducted pursuant to this Act are free schools.

(2) Subject to this Act and the regulations and notwithstanding the *Age of Majority Act*, every person over the age of five years and under the age of twenty-one years has the right to attend a public school serving the school district or school region in which that person resides, as assigned by the school board.

(3) A school board may, in accordance with the regulations, admit foreign students and, notwithstanding subsection (1), fees may be charged to such students as prescribed by the regulations. 1995-96, c. 1, s. 5.

6 *repealed 2000, c. 11, s. 2.*

## REGIONAL SCHOOL BOARDS

**School regions and regional school boards**

7 (1) The Governor in Council may designate a geographic area of the Province as a school region.

(2) The Governor in Council may establish a regional school board to administer the public schools in a school region.

(3) Each regional school board is a body corporate under the name determined by the Governor in Council.

(4) The Governor in Council may alter the boundaries of a school region.

(5) The Governor in Council may annex the whole or any part of a school district or school region to another school region.

(6) Notwithstanding subsections (1) to (5), there shall be at least seven school boards. 1995-96, c. 1, s. 7.

**Consequences of establishing a board**

8 Upon the establishment of a regional school board for a school region,

(a) existing school boards in the school region, other than the Conseil acadien, are dissolved;

(b) notwithstanding Section 42 and clause 46(2)(f), the members of the dissolved school boards are members of the regional school board pending the next election of school board members;

(c) the assets and liabilities of the dissolved school boards are vested in the regional school board, including all employee benefits and entitlements;

(d) the vesting of any assets of the dissolved school boards in the regional school board does not void any policy of insurance with respect to any of the assets, including any public liability policy, and the regional school board is deemed to be the insured party for the purpose of such policy;

(e) the regional school board is substituted for a dissolved school board with respect to any agreement to which the dissolved school board was a party;

(f) all persons employed by the dissolved school boards become employees of the regional school board, the employment and seniority with the dissolved board of each employee is deemed to be employment and seniority with the regional school board and the continuity of employment and seniority is not broken;

(g) the regional school board is a successor employer for the purpose of the *Pension Benefits Act*;

(h) the regional school board shall continue to pay any pension or annuity, being paid by a dissolved school board, according to its terms; and

(i) notwithstanding clauses (c) and (f), Section 71 of the *Labour Standards Code* does not apply to a period of employment with a district school board. 1995-96, c. 1, s. 8.

### Terms of employment

**9 (1)** For greater certainty, a regional school board is a transferee for the purpose of Section 31 of the *Trade Union Act* and, without limiting the generality of the foregoing,

(a) the regional school board is bound by successor rights as determined pursuant to the *Trade Union Act* and the *Teachers' Collective Bargaining Act*; and

(b) subject to the *Trade Union Act* and the *Teachers' Collective Bargaining Act*, the regional school board and the employees, who are covered by collective agreements, of a district school board are bound by the collective agreement as if the regional school board were a party to them.

**(2)** The *Public Sector Compensation (1994-97) Act* applies to a regional school board and members and employees of the board except that, notwithstanding subsection 3(4) of that Act,

(a) Section 23 of that Act does not apply;

(b) the Labour Board may exercise all of its powers under the *Teachers' Collective Bargaining Act* or the *Trade Union Act* but the total effect of any changes to collective agreements shall not increase the total cost of all compensation in respect of all employees to whom the collective agreements changed apply and the pay rates, as defined by the *Public Sector Compensation (1994-97) Act*, are not more than permitted by that Act; and

(c) no change shall be made in a collective agreement without the approval of the Labour Board in accordance with clause (b).

(3) For greater certainty, subsection (2) does not confer any additional powers on the Labour Board with respect to persons to whom the *Teachers' Collective Bargaining Act* applies except as provided by that Act.

(4) Where the Labour Board, in applying subsection (1) or (2), determines that those employees, of the regional school board, who were not previously included in a bargaining unit of a district school board are to be included in a bargaining unit of the regional school board, those employees are deemed to have seniority credits with the regional school board equal to the employment service they had with the district school board.

(5) The right of an employee of a district school board to employment with a regional school board in a bargaining unit position is not affected by whether that employee was previously employed pursuant to a collective agreement and the employee is deemed to have seniority credits with the regional school board equal to the employee's service with the district school board.

(6) In subsections (4) and (5), "employee" means an employee as defined in Section 2 of the *Trade Union Act* but, for greater certainty, does not include those described in subsection 2(2) of that Act.

(7) The Labour Board may exercise its powers pursuant to this Section upon the Governor in Council making the order establishing the school region.

(8) and (9) *repealed 2010, c. 37, s. 66.*

1995-96, c. 1, s. 9; 2010, c. 37, s. 66.

### **Superintendents and directors**

**10 (1)** There shall be a superintendent for each regional school board and the Conseil acadien.

(2) The superintendent and directors of a regional school board and the Conseil acadien shall be chosen from all interested candidates

(a) through an open and unrestricted competition; and

(b) strictly on the basis of merit, including educational qualifications, professional experience, personal qualities and general ability to discharge the responsibilities of the office.

(3) Nothing in this Section affects the status of a superintendent or director under a collective agreement in effect when this Act comes into force. 1995-96, c. 1, s. 10; 2012, c. 21, s. 2.

#### DISTRICT SCHOOL BOARDS

##### **Dissolution of Southwest Regional School Board**

**10A (1)** The Southwest Regional School Board is dissolved.

(2) The South Shore Regional School Board is established to administer the public schools in the school region composed of Lunenburg County, Queens County and that part of the former school region administered by the former Southwest Regional School Board in Annapolis County and the Tri-County Regional School Board is established to administer the public schools in the school region composed of Digby County, Shelburne County and Yarmouth County.

(3) The employees, assets and liabilities of the South Shore District School Board as of July 31, 2004, are the employees, assets and liabilities of the South Shore Regional School Board and, for greater certainty, employees of the South Shore District School Board employed on July 31, 2004, are entitled to the same salary and benefits as employees of the South Shore Regional School Board.

(4) The employees, assets and liabilities of the Tri-County District School Board as of July 31, 2004, are the employees, assets and liabilities of the Tri-County Regional School Board and, for greater certainty, employees of the Tri-County District School Board employed on July 31, 2004, are entitled to the same salary and benefits as employees of the Tri-County Regional School Board.

(5) For greater certainty, Sections 7 to 9 apply *mutatis mutandis* to this Section. 2004, c. 3, s. 16.

##### **Employees, assets and liabilities**

**10B (1)** The employees, assets and liabilities of the Southwest Regional School Board, including the Provincial funding allocation, shall be allocated between the South Shore Regional School Board and the Tri-County Regional School Board as determined by the Governor in Council.

(2) For greater certainty, employees of the Southwest Regional School Board employed on July 31, 2004, are entitled to the same salary and benefits as employees of the South Shore Regional School Board or the Tri-County Regional School Board, respectively.

(3) For greater certainty, Sections 8 and 9 apply *mutatis mutandis* to this Section. 2004, c. 3, s. 16.

**Officials**

**10C (1)** The appointments of the Chief Executive Officer of the South-west Regional School Board, the Director of Education of the South Shore District School Board and the Director of Education of the Tri-County District School Board are revoked effective July 31, 2004.

**(2)** Notwithstanding any enactment, contract or policy of a school board, any employment contract relating to a person referred to in subsection (1) is null and void as of July 31, 2004, and, for greater certainty, no compensation or damages shall be paid pursuant to such contract or policy after that date.

**(3)** No person referred to in subsection (1) has a cause of action with respect to the revocation of that person's appointment pursuant to subsection (1). 2004, c. 3, s. 16.

**Superintendents of successor regional school boards**

**10D (1)** Before August 1, 2004, the South Shore District School Board and the Tri-County District School Board shall each choose a person to be appointed the superintendent of their respective successor regional school board.

**(2)** When choosing a person pursuant to subsection (1), the district school board shall follow the procedure set out in subsection 10(2) and clause 64(2)(m) applies. 2004, c. 3, s. 16.

**Membership of successor regional school boards**

**10E** The number of members of the school board and the number and boundaries of the electoral districts in the school district for the South Shore District School Board and the Tri-County District School Board, as determined by the Nova Scotia Utility and Review Board, are the number of members and the number and boundaries of electoral districts for the South Shore Regional School Board and the Tri-County Regional School Board, respectively. 2004, c. 3, s. 16.

**Application of Sections 10A to 10E**

**10F** Sections 10A to 10E apply *mutatis mutandis* to a school district and a district school board designated in the regulations. 2004, c. 3, s. 16.

**10G to 10K** *repealed 2004, c. 3, s. 16.*

**CONSEIL SCOLAIRE ACADIEN PROVINCIAL****Establishment of Conseil**

**11 (1)** The Governor in Council may establish a school board with jurisdiction throughout the Province, a body corporate to be known as the *Conseil scolaire acadien provincial*, for the purpose of providing a French-first-language program to the children of entitled parents.



(2) The Conseil acadien is responsible for the delivery and administration of all French-first-language programs.

(3) A public school, or part of a public school, in which a French-first-language program is provided shall be known as an *école acadienne*.

(4) Upon the establishment of the Conseil acadien,

(a) every conseil d'école is dissolved;

(b) the Conseil acadien becomes responsible for the control and management of every educational facility of a conseil d'école;

(c) the assets and liabilities of the conseils d'école are vested in the Conseil acadien, including all employee benefits and entitlements;

(d) the vesting of any assets of a conseil d'école in the Conseil acadien does not void any policy of insurance with respect to any of the assets, including any public liability policy, and the Conseil acadien is deemed to be the insured party for the purpose of such policy;

(e) the Conseil acadien is substituted for a dissolved conseil d'école with respect to any agreement to which the dissolved conseil d'école was a party;

(f) all persons employed by a conseil d'école become employees of the Conseil acadien, the employment and seniority of each of the employees with the conseil d'école at the time of establishment of the Conseil acadien is deemed to be employment and seniority with the Conseil acadien and the continuity of employment and seniority is not broken;

(g) the Conseil acadien is a successor employer for the purpose of the *Pension Benefits Act*;

(h) the Conseil acadien shall continue to pay any pension or annuity, being paid by a conseil d'école, according to its terms;

(i) notwithstanding clauses (c) and (f), Section 71 of the *Labour Standards Code* does not apply to a period of employment with a conseil d'école; and

(j) Sections 9 and 10 apply *mutatis mutandis*. 1995-96, c. 1, s. 11.

### Entitlement to program

12 The children of an entitled parent are entitled to be provided a French-first-language program by the Conseil acadien if they otherwise have a right pursuant to this Act to attend a public school and if the numbers warrant the provision of the program out of public funds. 1995-96, c. 1, s. 12.

**Election of Conseil**

**13 (1)** The Conseil acadien shall be elected by entitled persons, at the same time as the regularly scheduled elections for school boards.

**(2)** An entitled person may vote in an election for the Conseil acadien or for another school board if that person is otherwise entitled to vote in an election for a school board but that person is not entitled to and shall not vote in the same election for both.

**(2A)** For greater certainty, an entitled person who votes in an election for either the Conseil acadien or for another school board may vote for either the Conseil acadien or for another school board in a special election that follows the election.

**(3)** Notwithstanding the *Municipal Elections Act*,

(a) for greater certainty, only entitled persons may be members of the Conseil acadien;

(b) only an entitled person may nominate a candidate for election as a member of the Conseil acadien and a person nominating such a candidate shall be required to sign a statement stating that person's status as an entitled person, in a form prescribed pursuant to the *Municipal Elections Act*;

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

(d) where a person votes in an election for the Conseil acadien, that fact shall be entered in the poll book in the manner prescribed by or pursuant to the *Municipal Elections Act*;

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

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

**(3A)** A returning officer shall accept

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

(b) a statement signed pursuant to clause (3)(b),  
as sufficient evidence that the candidate or person is an entitled person.

(4) Pending the election of the first Conseil acadien, the Governor in Council shall appoint the members of the Conseil acadien.

(5) Commencing with the first election of the members of the Conseil acadien,

(a) the Province shall be divided into eight electoral districts or such greater number of districts as the Utility and Review Board determines;

(b) the boundaries of the electoral districts shall be as determined by the Utility and Review Board; and

(c) the same number of members need not be elected from each electoral district.

(6) In determining the boundaries of the electoral districts and the number of members to be elected from each, the Utility and Review Board shall give consideration to effective representation of the Acadian and francophone communities in the Province and effective representation shall be considered of greater importance than parity of voting. 1995-96, c. 1, s. 13; 2000, c. 11, s. 4; 2003, c. 9, s. 44.

#### **Designation of facilities**

**14 (1)** The Governor in Council may designate educational facilities that are to be used to provide a French-first-language instruction program.

(2) Upon designation pursuant to subsection (1) of an educational facility owned by a district school board or regional school board,

(a) where the educational facility is an entire school, the ownership of the school and its control and management are transferred to the Conseil acadien; or

(b) where the educational facility is not an entire school, the ownership of the school and its control and management are transferred to the Conseil acadien if the Governor in Council so orders.

(3) Upon designation pursuant to subsection (1) of an educational facility owned by a municipality,

(a) where the educational facility is an entire school, the control and management of the school is transferred to the Conseil acadien; or

(b) where the educational facility is not an entire school, the control and management of the school is transferred to the Conseil acadien if the Governor in Council so orders.

(4) In subsections (2) and (3), “school” includes the real property upon which the school is situate.

(5) Where an educational facility is designated pursuant to subsection (1), the Governor in Council may, on the recommendation of the Minister after consultation by the Minister with the Conseil acadien and the school board responsible for the facility before the designation,

(a) after consultation by the Minister or the Minister’s representative with persons employed by a school board in or with respect to the facility or their representative, designate them to become employees of the Conseil acadien;

(b) designate assets and liabilities of a school board within or pertaining to the facility to be vested in the Conseil acadien;

(c) designate assets of a school board within or pertaining to the facility, including assets designated pursuant to clause (b), to be shared by the school board and the Conseil acadien;

(d) designate agreements in which the Conseil acadien is to be substituted for the school board.

(6) Upon designation of a person pursuant to clause (5)(a),

(a) that person becomes an employee of the Conseil acadien;

(b) the period of employment and seniority of that person with a school board at the time of designation of that person is deemed to be employment and seniority with the Conseil acadien and the continuity of employment and seniority is not broken;

(c) the Conseil acadien becomes responsible for all employee benefits and entitlements that person had as an employee of the other school board;

(d) the Conseil acadien is a successor employer for the purpose of the *Pension Benefits Act*; and

(e) Section 9 applies *mutatis mutandis*.

(5)(b), (7) Upon designation of assets and liabilities pursuant to clause

(a) those assets and liabilities are vested in the Conseil acadien; and

(b) the vesting of any assets of a school board in the Conseil acadien does not void any policy of insurance with respect to any of the assets, including any public liability policy, and the Conseil acadien is deemed to be the insured party for the purpose of such policy.

(8) Upon designation of assets pursuant to clause (5)(c), the assets shall be maintained by the school board that owns the assets and each school board shall pay its share of the costs necessary to operate and maintain those assets, as agreed upon by the school boards.

(9) Where as a result of a designation pursuant to subsection (1) an educational facility becomes a facility shared by the Conseil acadien and another school board, each school board shall pay its share of the costs necessary to operate and maintain the facility and of the outstanding capital costs pertaining to the facility, as agreed upon by the school boards.

(10) Where the Conseil acadien and another school board cannot agree upon their shares of the costs referred to in subsection (8) or (9), the Minister shall determine each school board's share.

(11) Upon designation pursuant to clause (5)(d) of an agreement to which a school board is a party, the Conseil acadien is substituted for the school board with respect to that agreement. 1995-96, c. 1, s. 14.

#### Language of administration and operation

15 (1) Subject to subsection (2), the language of administration and operation of the Conseil acadien and all French-first-language program facilities shall be French.

(2) When the circumstances warrant the use of English, the Conseil acadien and French-first-language program facilities shall use English. 1995-96, c. 1, s. 15.

#### Duties of Conseil

16 The Conseil acadien shall

- (a) promote and distribute information about the French-first-language program;
- (b) include in its learning materials information about the Acadian culture; and
- (c) in providing its educational programs, engage in activities that promote Acadian culture and the French language. 1995-96, c. 1, s. 16.

17 to 19 *repealed 2000, c. 11, s. 5.*

#### SCHOOL ADVISORY COUNCILS

##### Establishment of councils

20 (1) A school board shall establish a school advisory council for a public school where

- (a) eight or more parents of students attending the public school;

- (b) a home and school association, parent-teacher association or similar organization for the public school; or
- (c) the principal of the public school,

requests, by a petition in writing to the school board, that a school advisory council be established for the school.

(2) A school board may establish one school advisory council for more than one school where requested by the persons referred to in clause (1)(a) for each school.

(3) Upon the establishment of a school advisory council for a school pursuant to subsection (1),

(a) subject to Section 21, the initial composition of the school advisory council shall be determined in the manner prescribed by the Minister; and

(b) the school advisory council, the school board and the Minister shall enter into an agreement setting out, subject to this Act, the composition and responsibilities of the school advisory council pursuant to Section 22 and additional advisory duties, if any.

(4) The school advisory council, the school board and the Minister may, from time to time, amend the agreement made pursuant to subsection (3).

(5) A school advisory council established pursuant to the former Act is continued in accordance with this Act and, for the purpose of this Act, is deemed to be established pursuant to this Act. 1995-96, c. 1, s. 20.

### **Composition of Council**

**21 (1)** A school advisory council for a public school shall have at least five and not more than eighteen members consisting of

(a) at least one parent of a child attending the school, elected by the parents of the children attending the school;

(b) where the school is a school with students in grade seven or a higher grade, at least two students attending the school, elected by the students attending the school;

(c) where the school is an elementary school, at least two students attending the school if the agreement made pursuant to subsection 20(3) so provides, elected by the students;

(d) at least one person from the teachers employed at the school, elected by the teachers, and at least one person from the support staff employed at the school, elected by the support staff;

(e) the principal of the school; and

(f) at least one representative of the community in which the school is situated, appointed by the school advisory council or, where the school advisory council so determines, elected by the community.

(2) Unless the agreement made pursuant to subsection 20(3) otherwise provides, a school advisory council shall not have more than one third of its members from any of the clauses referred to in subsection (1).

(3) A person shall not be a member of a school advisory council and a member of a school board for the school district or school region in which the school is situate.

(4) A principal is a non-voting member of a school advisory council unless the agreement otherwise provides.

(5) A vacancy on a school advisory council does not impair the authority of the remaining members to act. 1995-96, c. 1, s. 21.

#### **Duties of council**

**22** A school advisory council for a public school shall

(a) after consultation with the staff of the school, develop and recommend to the school board a school improvement plan;

(b) prepare an annual report in such form and containing such information as the Minister determines;

(c) advise on the development of school policies that promote academic excellence and a positive learning environment;

(d) advise the principal and staff of the school on curriculum and programs, school practices, student discipline, fund-raising and parent-school communication and similar matters;

(e) advise the school board on curriculum and programs, student-support services, policy development, funding, communication strategies and similar matters;

(f) participate in the selection of the principal of the school by representation on the school board's selection committee;

(g) subject to the approval of the school board, make by-laws respecting the election of its members, the conduct of its meetings and the operation of the school advisory council; and

(h) perform such other duties and have such powers of the school board as the agreement made pursuant to subsection 20(3) provides and the Governor in Council transfers to the school advisory council pursuant to Section 23. 1995-96, c. 1, s. 22.

**Transfers from school boards to councils**

**23 (1)** The Governor in Council, on the recommendation of the Minister and in accordance with an agreement made pursuant to Section 20, may transfer duties and powers of a school board to a school advisory council for a public school and, upon such transfer, the school board ceases to have those powers and duties with respect to that school and those powers and duties are powers and duties of the school advisory council.

**(2)** Notwithstanding subsection (1), the power to hire, suspend, dismiss or discipline an employee of a school board shall not be transferred to a school advisory council. 1995-96, c. 1, s. 23.

## STUDENTS

**Duties and rights**

**24 (1)** It is the duty of a student 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 school board.

**(2)** Students are accountable to their teachers for their conduct while under their teachers' supervision.

**(3)** Students may participate in decisions that affect their schools through representation on school advisory councils or committees in accordance with school board policy.

**(4)** It is the right of students to be informed of their educational progress on a regular basis. 1995-96, c. 1, s. 24.

## PARENTS

**Duties and rights**

**25 (1)** It is the duty of parents to

- (a) support their children in achieving learning success;
- (b) cause their children to attend school as required by the regulations;
- (c) communicate regularly with their children's school;
- (d) ensure the basic needs of their children are met, including ensuring that their children are well-nourished and well-rested when they go to school; and



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

(2) Parents of students with special needs shall be afforded the opportunity to participate in the development of an individualized program for their children.

(3) Where

(a) the parent of a child with special needs does not agree with the individualized program plan that has been developed for that child; and

(b) the disagreement cannot be resolved by a school board appeal process,

the parent or the school board may initiate an appeal as prescribed by the regulations. 1995-96, c. 1, s. 25.

## TEACHERS

### Duties

- 26 (1) It is the duty of a 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 school board;
  - (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 school board 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 or room 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 as prescribed by the regulations;

(r) communicate regularly with parents in accordance with policies established by the school board;

(s) keep such records as are required by the school board or the Minister and permit the inspection of those records by the board, the superintendent or superintendent's representative, the principal, the supervisor and the Minister or Minister's representative or, upon their request, provide the records to them;

(t) assist in the development and implementation of the school improvement plan;

(u) maintain their 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) Teachers are accountable to the school board through the principals of their assigned schools with respect to the performance of their responsibilities. 1995-96, c. 1, s. 26; 2004, c. 4, s. 110; 2012, c. 56, s. 1; 2015, c. 16, s. 3.

**Powers of teacher**

27 A teacher has general oversight and supervision over school premises during school hours and, subject to the authority of the school board and the principal, may exclude from those premises any person who is not a student enrolled in the school and disturbs the learning environment. 1995-96, c. 1, s. 27.

**Qualifications of teacher**

28 Except as provided in this Act or the regulations, a school board shall not engage as a teacher or permit to teach in the public school a person who does not hold a teacher's certificate or permit under this Act. 1995-96, c. 1, s. 28.

**Effect of determination**

29 (1) A determination pursuant to this Act or the former Act of the classification, re-classification, 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 pursuant to this Act or the former Act of the classification, re-classification, 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 re-classification 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 re-classification for salary purposes. 1995-96, c. 1, s. 29.

**Written contract**

30 (1) When a school board that has authority to engage a teacher engages a teacher other than a substitute teacher, the board shall enter into a written contract with the teacher in such form as may be approved by the Minister.

(2) Notwithstanding any provision of this Act, or any contract or agreement between or governing a school board and a teacher,

(a) the date for a teacher giving notice of termination of the teacher's contract shall be deemed to be April 15th in the year in which the contract will be terminated after the school year;

(b) the date for a school board giving notice of termination of a teacher's contract shall be deemed to be May 15th in the year in which the contract will be terminated after the school year. 1995-96, c. 1, s. 30.

**Teacher-training students**

31 Every school board and every teacher employed by a school board shall admit to classrooms under the jurisdiction of the board 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. 1995-96, c. 1, s. 31.

**Permanent and probationary contracts**

**32 (1)** Except as provided in subsections (3) and (4), a probationary contract in effect on or after November 10, 2011, is for two years, with the right of a school board to extend it at the end of the second year for a third year if, in the first or second year of the probationary contract, the teacher has had fewer than a total of one hundred forty-five days taught or reckoned to be days taught during the school year.

**(1A)** Except as provided in subsection (5), where the probationary contract of a teacher in effect on or after November 10, 2011, is not terminated as provided in this Act or the teacher is not suspended or discharged, the school board

(a) shall offer the teacher a permanent contract

(i) at the end of the second year of the probationary contract, if the teacher's probationary contract is not extended for a third year, or

(ii) at the end of the third year of the probationary contract, if the teacher is required to teach a third year; and

(b) may offer the teacher a permanent contract at the end of the first year of the probationary contract.

**(2)** A teacher who has had a contract or contracts with a school board for more than two consecutive years, inclusive of the school year 1971-72, is deemed to have had a permanent contract.

**(3)** Subject to subsection (4), any teacher, who during the school year 1971-72 or any school year thereafter has a permanent contract or is deemed to have had a permanent contract and is hired thereafter by any school board, may be hired by way of a probationary contract, which probationary contract shall not be for more than one year.

**(4)** A probationary contract under subsection (3) in effect on or after November 10, 2011, may be extended by a school board for not more than one year if the teacher has had fewer than a total of one hundred forty-five days taught or reckoned to be days taught during the school year.

**(5)** Where the probationary contract of a teacher to which subsection (3) or (4) applies and that is in effect on or after November 10, 2011, is not terminated as provided in this Act or the teacher is not suspended or discharged, the school board shall offer the teacher a permanent contract

(a) at the end of the probationary year if the teacher's probationary contract is not extended for a second year; or

(b) at the end of the second year, if the teacher is required to teach a second year. 1995-96, c. 1, s. 32; 2012, c. 21, s. 3; 2015, c. 16, s. 4.

**Suspension of teacher**

**33 (1)** A school board 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 shall be furnished to the teacher within seven days of the date of suspension.

**(2) to (5)** *repealed 2018, c. 1, s. 2.*

1995-96, c. 1, s. 33; 2018, c. 1, s. 2.

**Termination of teacher**

**34 (1)** A school board may, at any time for just cause, by notice in writing, discharge any teacher in its employ.

**(2)** A school board may

(a) by notice in writing given to the teacher not later than May 15th, terminate a probationary contract at the end of the first, second or third year;

(b) by notice in writing given to the teacher not later than May 15th, terminate a permanent contract at the end of the school year

(i) for just cause, or

(ii) if, in the system under the jurisdiction of the school board, the estimated enrolment of courses the teacher is qualified and willing to teach is insufficient to justify the employment of the teacher.

**(3)** *repealed 2018, c. 1, s. 2.*

**(4)** Where a school board terminates a probationary contract, the termination is not subject to any grievance procedure provided in a contract relating to the employment of the teacher nor to any appeal.

**(5)** *repealed 2018, c. 1, s. 2.*

1995-96, c. 1, s. 34; 2012, c. 21, s. 4; 2018, c. 1, s. 2.

**35** *repealed 2018, c.1, s. 2.*

**Revocation of termination at end of 1999-2000**

**35A** The termination, for other than just cause, of a teacher's contract at the end of the 1999-2000 school academic year by notice given before May 16, 2000, is revoked and the termination is deemed not to have taken place. 2000, c. 11, s. 6.

**36** *repealed 2018, c. 1, s. 2.*

**Rights of teacher preserved**

**37** 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. 1995-96, c. 1, s. 37.

## PRINCIPALS

**Function and duties**

**38 (1)** The principal of a public school is the educational leader of the school and has overall responsibility for the school, including teachers and other staff.

**(2)** It is the duty of a 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 school board, as required by the school board;

(c) take all reasonable steps to secure full and regular attendance at school of the students enrolled in the school in accordance with policies established by the school board;

(d) communicate regularly with the parents of the students;

(e) ensure that reasonable steps are taken to create and maintain a safe, orderly, positive and effective learning environment;

(ea) 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;

(f) ensure that provincial and school board policies are followed;

(g) identify the staffing needs of the school;

(h) assist the school board with the selection of staff for the school;

(i) evaluate the performance of teachers and other staff of the school;

(j) assist the school board in the development and implementation of professional-development programs;

(k) encourage teachers and other staff of the school, students and parents to participate in school decision-making through representation on school advisory councils and committees;

- (l) participate in the establishment and operation of a school council;
- (m) assist the school advisory council in the development of school improvement plans and, upon approval by the school board, co-ordinate their implementation;
- (n) assist the school advisory council in the preparation of its annual report;
- (o) account to the school board for money received from the school board or any other source;
- (p) account to the school board, through the superintendent, for the performance of the school;
- (q) co-operate with the staff of other departments and agencies of the Government to better meet the needs of the students in the school; and
- (r) perform such other duties as are prescribed by this Act or the regulations or assigned by the superintendent. 1995-96, c. 1, s. 38; 2012, c. 56, s. 2; 2015, c. 16, s. 5.

## SUPERINTENDENTS

### Function and duties

- 39 (1)** A superintendent is accountable to the school board and has overall responsibility for
- (a) the efficient operation of the school board office and the public schools in the school district or school region; and
  - (b) the supervision of all employees of the school board.
- (2)** It is the duty of a superintendent to
- (a) administer and evaluate the programs offered by the school board;
  - (b) conduct, or cause to be conducted, an annual performance appraisal of every principal, every vice-principal and all other staff employed by the school board;
  - (c) provide centralized management of services for public schools that are most efficiently provided on a school district-wide or school region-wide basis;
  - (d) oversee the carrying out of the Minister's and the school board's policies and report annually to the school board on the carrying out of those policies;
  - (e) monitor public-school improvement plans, the annual reports of school advisory councils and annually report to the school board on their status;

- (f) ensure that resources are distributed to public schools in accordance with school board policies and guidelines;
- (g) maintain a safe, orderly and supportive learning environment in all schools in the school district or school region;
- (h) provide leadership in the school district or school region in promoting quality education, enhanced community involvement and the efficient delivery of services;
- (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 the Minister 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 school board;
- (m) report to the school board as requested by the school board; and
- (n) perform such other duties as are prescribed by this Act or the regulations or assigned by the school board.

**(3)** A superintendent is accountable to the school board for the educational performance of the students and schools in the school district or school region and shall report to the school board annually on such performance. 1995-96, c. 1, s. 39.

#### SUPPORT STAFF

##### Duties

- 40 (1)** It is the duty of a support staff member 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 school board, superintendent, principal, teachers, students and other staff members to maintain an orderly, safe and supportive learning environment;
  - (ca) report to the principal or other person in charge of a school the conduct of any student who engages in unacceptable behaviour;
  - (d) respect the rights of students;



(e) participate in staff-development opportunities identified by the person to whom the staff member reports, if requested to do so; and

(f) subject to any applicable collective agreement in effect when this Act comes into force, perform such other duties as are assigned by the school board, the superintendent or the principal.

(2) Every support staff member is accountable to the principal or other person designated by the school board.

(3) Where a district school board has been established by this Act or the regulations, then, so long as the district school board continues, in the school region in which the district school board is established,

(a) a reference to the school board and the superintendent in clause (1)(c) shall be read as a reference to the Minister, the regional school board, the district school board and the director of education;

(b) a reference to the school board, the superintendent or the principal in clause (1)(f) shall be read as a reference to the regional school board; and

(c) every support staff member, other than a teacher assistant, is accountable to the regional school board and subsection (2) does not apply. 1995-96, c. 1, s. 40; 2000, c. 11, s. 8; 2012, c. 56, s. 3; 2015, c. 16, s. 6.

### SCHOOL BOARD MEMBERSHIP

#### Election of members

**41 (1)** Except as otherwise provided by this Act, all of the members of a school board shall be elected.

(2) Notwithstanding Section 4 of the *Halifax Regional Municipality Act*, there shall not be an election for school boards in the County of Halifax in 1995 and, notwithstanding subsection (9) of that Section, there shall be school board elections in the County of Halifax in 1997.

(3) Subsection (2) has effect on and after October 16, 1995.

(4) Notwithstanding the *Municipal Elections Act*, the lists of electors used in the 1995 municipal elections for the Halifax Regional Municipality may be used in the school board elections in the County of Halifax in 1997.

(5) Notwithstanding Section 5 of the *Queens Regional Municipality Act*, there shall not be an election for school boards in the County of Queens in 1996 and, notwithstanding subsection (8) of that Section, there shall be school board elections in the County of Queens in 1997.

(6) Subsection (5) has effect on and after January 29, 1996.

(7) Notwithstanding the *Municipal Elections Act*, the lists of electors used in the 1996 municipal elections for the Region of Queens Municipality may be used in the school board elections in Queens County in 1997. 1995-96, c. 1, s. 41.

### Membership

**42** (1) A school board consists of such number of members, not fewer than five nor greater than eighteen, as determined by order of the Utility and Review Board.

(2) A school board is generally accountable to the electorate.

(3) A school district or school region consists of such electoral districts, as determined by order of the Utility and Review Board.

(4) After consultation with the Mi'kmaq community and the school board, the Minister may appoint a Mi'kmaq representative to each regional school board and that representative is in addition to the number of members determined pursuant to subsection (1). 1995-96, c. 1, s. 42; 2008, c. 53, s. 1; 2012, c. 20, s. 1.

### African Nova Scotian representative

**42A** (1) In this Section,

(a) "African Nova Scotian" means a person who is African Nova Scotian or a black person;

(b) "African Nova Scotian elector" means a person who is qualified to vote in an election of a school board who is also

(i) an African Nova Scotian, or

(ii) the parent of an African Nova Scotian.

(2) This Section does not apply with respect to the Conseil acadien.

(3) Notwithstanding any other provision of this Act, the membership of a school board includes, in addition to those members as determined by the Utility and Review Board, one African Nova Scotian representative, elected by African Nova Scotian electors throughout the school district or school region over which the school board has jurisdiction.

(4) The election of the African Nova Scotian member of a school board shall be held at the same time as the regularly scheduled elections to the school board.

(5) Notwithstanding the *Municipal Elections Act*,

- (a) only a person who is
  - (i) an African Nova Scotian, and
  - (ii) qualified to be a candidate for election to a school board,

is qualified to be a candidate for election as the African Nova Scotian member of a school board;

(b) only an African Nova Scotian elector may nominate a candidate for election as the African Nova Scotian member of a school board and a person nominating such a candidate shall be required to sign a statement stating that person's status as an African Nova Scotian elector, in a form prescribed pursuant to the *Municipal Elections Act*;

(c) where a person intends to vote in an election of an African Nova Scotian to a school board, that person shall not be required to take an oath or make an affirmation in a form attesting to that person's status as an African Nova Scotian elector, but shall be required to confirm the person's status as an African Nova Scotian elector as defined in the *Education Act* and, where a person wishes to provide the confirmation, the person may provide the confirmation by requesting the ballot to vote for the African Nova Scotian elector and that request constitutes the confirmation;

(d) where a person votes in an election of an African Nova Scotian member of a school board, that fact shall be entered in the poll book in the manner prescribed pursuant to the *Municipal Elections Act*;

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

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

**(6)** A returning officer shall accept

(a) subject to subsection 44(5) of the *Municipal Elections Act*, a signed statement, in a form prescribed pursuant to the *Municipal Elections Act*, of a candidate that the candidate is an African Nova Scotian as sufficient evidence that the candidate is an African Nova Scotian; or

(b) a statement signed pursuant to clause (5)(b) as sufficient evidence that the person is an African Nova Scotian elector if that person is qualified to vote in an election of a school board.

(7) A signed statement in good faith of a candidate that the candidate is an African Nova Scotian is conclusive evidence that the candidate is an African Nova Scotian.

(8) A statement signed pursuant to clause (5)(b) in good faith and stating that the person is an African Nova Scotian elector or a confirmation provided pursuant to clause (5)(c) in good faith confirming that the person is an African Nova Scotian elector is conclusive evidence that that person is an African Nova Scotian elector, if that person is qualified to vote in an election of a school board.

(9) Except as provided by this Section, the *Municipal Elections Act* applies *mutatis mutandis* to the election of the African Nova Scotian member to a school board as if the district or region over which the school board has jurisdiction were a single electoral district.

(10) A qualified African Nova Scotian elector may vote in a school board election for either

(a) a candidate for election as the African Nova Scotian member of the school board; or

(b) a candidate for election to the school board other than as the African Nova Scotian member of the school board,

but not both.

(11) For greater certainty, a qualified African Nova Scotian elector, who votes in an election for either a candidate for election as the African Nova Scotian member of the school board or a candidate for election to the school board other than as the African Nova Scotian member of the school board, may vote for either candidate in a special election that follows the election. 2000, c. 11, s. 7; 2003, c. 9, s. 45.

#### **Application to determine boundaries**

43 Subject to clause 18(1)(d), in the year 1999 and every eighth year thereafter, every school board shall apply to the Utility and Review Board to confirm or change the number and boundaries of the electoral districts in the school district or school region. 1995-96, c. 1, s. 43; 1998, c. 18, s. 555.

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

44 (1) In determining the number and boundaries of electoral districts, the Utility and Review Board shall make such decision as in its opinion is just, and is not restricted to the proposal advanced by a school board in its application.

(2) The Utility and Review Board may reject an application and require a school board to re-apply within such time as the Utility and Review Board directs, and may give such directions for the re-application as the circumstances of the case dictate.

(3) In determining the number and boundaries of electoral districts, the Utility and Review Board shall give consideration to

- (a) subject to subsection 13(6), ensuring as nearly as practical equal numbers of electors in each electoral district;
- (b) population density;
- (c) distribution of the school-age population;
- (d) the principal language of instruction of the school board and language of instruction of the school population in areas of the district; and
- (e) any other relevant matter that in the opinion of the Utility and Review Board affects the necessity, expediency or justice of the order sought.

(4) The Utility and Review Board shall, in setting the numbers and boundaries of electoral districts, have regard to the existing boundaries of polling districts and wards. 1995-96, c. 1, s. 44.

#### **Application of certain legislation**

45 Subject to this Act, the powers of the Utility and Review Board and procedures set out in the *Municipal Government Act* apply *mutatis mutandis*. 1995-96, c. 1, s. 45; 1998, c. 18, s. 555.

#### **Qualifications of candidates**

46 (1) Except as otherwise provided in this Act, every person is qualified to be elected or appointed as a member who

- (a) is a Canadian citizen of the full age of eighteen years at the time of nomination or appointment;
- (b) has been ordinarily resident in the school district or school region or in an area annexed to the school district or school region for a period of six months preceding nomination day or the day of appointment, and continues to so reside; and
- (c) *repealed 1998, c. 18, s. 555.*
- (d) is not disqualified pursuant to this Act.

(2) No person is qualified to be nominated or to serve as a member of a school board who

- (a) is a member of the House of Commons or Senate of Canada;
- (b) is a member of the House of Assembly;
- (c) is a member of another school board;

(d) is a judge of the Nova Scotia Court of Appeal, the Supreme Court of Nova Scotia or the Provincial Court of Nova Scotia;

(e) would be a member of a school board and a member of the council of a municipality at the same time;

(f) accepts or holds office or employment in the service of the school board;

(g) *repealed 2003, c. 9, s. 46.*

(h) has been convicted of any corrupt practice or bribery contrary to the *Municipal Elections Act* within the ten years preceding nomination day; or

(i) has been disqualified from any office pursuant to the provisions of the *Municipal Conflict of Interest Act* or the *Municipal Elections Act* and the period of disqualification has not expired.

(3) A member of a school board, if otherwise qualified, is eligible for re-election.

(4) Every person who sits or acts as a member of a school board after becoming disqualified is guilty of an offence for each day that the person so acts or sits. 1995-96, c. 1, s. 46; 1998, c. 18, s. 555; 2003, c. 9, s. 46; 2008, c. 54, s. 1.

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

47 No member of a school board may be employed by the school board of which the person is a member or during the period of six months after the person ceases to be a member of the school board. 2005, c. 16, s. 2.

#### **Disqualification for conviction**

47A Any member of a school board who 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,

ceases to be a member of the school board. 2005, c. 16, s. 2.

#### **Elections**

48 (1) The election of members of a school board shall 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 a school board shall be conducted by the returning officers responsible for the conduct of municipal elections.

(3) Notwithstanding subsection (2), a special election may be conducted by the school board if the Minister consents.

(4) Any additional cost incurred by a municipality from

(a) the inclusion of the election of members of a school board with the regular municipal elections; or

(b) a special election for a member of a school board,

may be recovered by that municipality from the school board for which the cost was incurred.

(5) In the event that there is a dispute between a municipality and a school board over the amount to be recovered, the dispute shall be submitted to the Minister, who shall consult with the Minister of Municipal Affairs, or an official designated by the Minister of Municipal Affairs, and shall render a decision thereon, which decision is binding and final. 1995-96, c. 1, s. 48.

#### **Restriction on number of votes**

49 (1) In this Section, “election” includes a special election.

(2) A voter shall cast only one vote for the election of a member of a school board at an election. 2003, c. 9, s. 48.

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

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

(2) The first meeting of the school board after an election shall be held not less than fourteen days nor more than thirty days after the election.

(3) The superintendent shall call the first meeting of a school board after an election.

(4) A judge or a justice of the peace may administer the oath of office.

(5) The secretary of the school board shall enter a certificate of the taking of the oath in the minutes. 1995-96, c. 1, s. 50; 1998, c. 18, s. 555; 2008, c. 54, s. 2.

#### **Vacating of seat**

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

(a) dies, resigns or ceases to reside in the school district or school region;

(b) acknowledges to the secretary of the school board or is found by a court to have become disqualified to serve pursuant to this Act or the *Municipal Elections Act*;

(c) neglects or refuses to take the oath required to be taken, at or before the first meeting of the school board after the election, or within such extended time as the school board allows.

(2) A member who is elected to the House of Assembly or the House of Commons or who is appointed to the Senate of Canada shall resign as a member of the school board within thirty days of such election or appointment.

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

(4) *repealed 2008, c. 54, s. 3.*

(5) Notwithstanding any provision of this Act, where a vacancy occurs in the seat of a member of the school board because a member has resigned, that member may not be a candidate in a special election referred to in subsection (4).  
1995-96, c. 1, s. 51; 2005, c. 16, s. 3; 2008, c. 54, s. 3.

#### **When vacancy to be filled**

**51A (1)** A vacancy in the seat of a member of a school board occurring within six months of the next regularly scheduled election for school board members shall not be filled.

(2) A vacancy in the seat of a member of a school board occurring within two years but not within six months of the next regularly scheduled election for school board members shall, following such consultation as the Minister considers appropriate, be filled by the Minister with a person qualified to be elected to that position.

(3) A vacancy in the seat of a member of a school board occurring more than two years before the next regularly scheduled election for school board members shall be filled by special election pursuant to the *Municipal Elections Act*.  
2008, c. 54, s. 4.

#### **Consequences of absence from meetings**

**52 (1)** Where a member fails to attend three consecutive regular meetings of the school board without reasonable excuse satisfactory to the school board, the school board shall declare the seat of that member vacant, the member thereupon ceases to be a member of the school board and the school board shall forthwith call an election to fill the member's seat pursuant to the *Municipal Elections Act*.



(2) For greater certainty, subsection (1) does not apply for non-attendance because of an inability to attend a meeting of the school board because of censure pursuant to clause 52A(1)(b) or (c). 1995-96, c. 1, s. 52; 2008, c. 54, s. 5.

#### **Censure of a member by school board**

**52A (1)** Where a school board determines that a member has not complied with the school board's code of ethics, the school board may censure a member of the school board by

- (a) issuing a public reprimand by motion at an open meeting of the school board;
- (b) revoking the member's right to sit as a member for one to three months;
- (c) suspending the member from the school board, including the suspension of all the member's rights, duties and privileges as a member of the school board, for from one to three months; or
- (d) recommending to the Minister that the member's seat be vacated.

(2) Where a member of a school board is censured pursuant to clause 52A(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 a school board to censure a member pursuant to clause (1)(a) is final and binding. 2008, c. 54, s. 6; 2011, c. 58; 2015, c. 16, s. 7.

#### **Actions by Minister**

**52B (1)** Where pursuant to Section 52A the school board recommends to the Minister that the seat of a member of the school board be vacated, the Minister may, subject to subsection (2), vacate the member's seat.

(2) Where an appeal pursuant to subsection 52A(2) is in respect of censure pursuant to clause 52A(1)(d), no action to fill the vacancy may be taken before the adjudicator has rendered a decision and notified the Minister, the school board and the member of the decision.

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

- (a) direct the school board to censure the member pursuant to clause 52A(1)(a), (b) or (c) as the Minister considers appropriate; or
- (b) vacate the member's seat.

(4) Where the Minister directs a school board to censure a member pursuant to clause (3)(a), the school board shall comply with the Minister's direction. 2008, c. 54, s. 6.

#### **Effect of vacancy**

**53** A vacancy on a school board does not impair the authority of the remaining members to act. 1995-96, c. 1, s. 53; 2005, c. 16, s. 4.

#### **Remuneration and reimbursement**

**54 (1)** In this Section, "Association" means the Nova Scotia School Boards Association.

(2) The Minister and the Association shall, on or before April 1st in the year 1997, the year 2000 and in every fourth year thereafter, jointly appoint a person to make an inquiry and a report respecting the remuneration to be paid to and the reimbursement for expenses incurred by members of school boards for the four-year period commencing when the members take office following the next election.

(3) A person appointed pursuant to subsection (2) shall complete the inquiry and deliver the report to the Minister and the Association on or before June 30th in the year in which the person is appointed.

(4) A person appointed pursuant to subsection (2) has all the powers and privileges and immunities of a commissioner pursuant to the *Public Inquiries Act*.

(5) The remuneration referred to in subsection (2) is to be a maximum annual stipend for the chair of a school board, a maximum annual stipend for a vice-chair of a school board and a maximum annual stipend for the other members of a school board.

(6) The reimbursement for expenses referred to in subsection (2) is to be a travel allowance at a rate per kilometre, specified levels of reimbursement for local expenses and specified levels of reimbursement for overnight accommodation, meals and auxiliary expenses incurred in attending meetings or conferences outside the school district.

(7) Members of a school board are entitled to such remuneration and reimbursement, not exceeding the remuneration and reimbursement set out in the report referred to in subsection (2), as the school board determines and are not entitled to any other remuneration or reimbursement as members of a school board. 1995-96, c. 1, s. 54; 1998, c. 18, s. 555; 2005, c. 16, s. 5.

## SCHOOL BOARD MEETINGS

**Chair and vice-chair**

**55 (1)** The members of a school board shall, at the first meeting of the school board 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 school board until the chair of the school board is elected, unless a temporary chair is appointed by the members.

**(3)** For greater certainty, the superintendent shall not preside at more than one meeting of the school board.

**(4)** The school board shall, if a chair is not elected, choose a temporary chair to preside over the meetings of the school board until a chair is elected or appointed.

**(5)** Where a majority of the members do not agree upon the choice of a chair, the Governor in Council shall appoint a 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. 1995-96, c. 1, s. 55.

**Term of office**

**56 (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 school board 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. 1995-96, c. 1, s. 56; 2009, c. 11, s. 1.

**Minimum number of meetings**

**57** Each school board shall meet at least four times in each year at such time and place as the chair designates or the by-laws prescribe. 1995-96, c. 1, s. 57.

**By-law making powers and community representatives**

- 58 (1)** A school board may, by by-law,
- (a) fix the date, hour and place, or any of them, of the meetings of the school board;
  - (b) *repealed 2008, c. 54, s. 9.*
  - (c) provide for standing and special committees of the school board.

(1A) A school board shall, by by-law and in accordance with the regulations, regulate its proceedings and provide for preserving order at its meetings.

(2) A school board may include on its committees representation from the community. 1995-96, c. 1, s. 58; 2008, c. 54, s. 9.

### Meetings

**59** (1) All meetings of a school board shall be open to the public.

(2) A school board shall not determine by secret ballot any matter before it other than the election of a chair and vice-chair.

(3) Notwithstanding subsection (1), a meeting, or part of a meeting, of a school board 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 school board present.

(4) Where a school board meets in private pursuant to subsection (3), the school board may not make any decision in private other than to revert to an open meeting.

(5) The person presiding at any meeting of the school board may cause to be expelled and excluded any person who is disrupting the proceedings of the school board. 1995-96, c. 1, s. 59.

### Conduct of meetings

**60** (1) Subject to subsection (2), the chair of a school board shall preside at all meetings of the school board.

(2) During the temporary absence of the chair, the vice-chair shall preside or, if neither is present, the school board may appoint a person from among the members present to preside at the meeting.

(3) A quorum of a school board is a majority of its members serving at the time.

(4) All questions arising at a meeting of the school board shall be decided by a majority of votes.

(5) The chair has a right to vote on all questions before the school board and, in the event of a tie, the question voted on shall be deemed to be determined in the negative. 1995-96, c. 1, s. 60.

## SCHOOL BOARD OFFICERS AND RECORDS

**Secretary and treasurer**

**61 (1)** A school board shall appoint a secretary and a treasurer or a person as both secretary and treasurer.

**(2)** The secretary and the treasurer of the school board shall perform such duties as are assigned by the school board.

**(3)** The secretary and the treasurer of the school board 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 pursuant to the *Sureties Act*, in such amount as is prescribed by the school board, but in no case less than the amount of one hundred thousand dollars. 1995-96, c. 1, s. 61.

**Minutes and other records**

**62 (1)** A copy of the minutes of a meeting of a school board certified by the secretary of the school board 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 books, records and accounts of a school board, of a committee of a school board and of the secretary of a school board or committee of the school board, including gross salaries of its employees and members of the school board and its committees, including employment and personal services contracts of employees but not including personnel records, shall be open to the inspection of any person without fee at all reasonable times. 1995-96, c. 1, s. 62; 2002, c. 5, s. 8.

**By-laws respecting records**

**63 (1)** Subject to this Act and the *Government Records Act*, a school board may make by-laws with respect to the preservation, destruction or disposal of records of the school board.

- (2)** A school board shall not authorize 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 the provisions of any Act;
  - (c) records less than six years old;
  - (d) minutes, by-laws or resolutions of the school board;
  - (e) records relating to school attendance by students;
  - (f) records relating to student progress; or

(g) records relating to the employment and service of teachers.

(3) No record of a school board shall be destroyed pursuant to a by-law of the school board unless

(a) the secretary of the school board has submitted to the school board 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 nothing of value therein; and

(b) the school board has approved the destruction of the records referred to in the certificate. 1995-96, c. 1, s. 63.

#### DUTIES OF SCHOOL BOARD MEMBERS

##### Duties

**63A** Every member of a school board shall

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

(b) respect that the superintendent is responsible for the day-to-day management of the school board; and

(c) act in the best interest of the school board and carry out his or her responsibilities in a manner that assists the school board in fulfilling its duties pursuant to this Act. 2012, c. 50, s. 2.

#### GENERAL RESPONSIBILITIES AND POWERS OF SCHOOL BOARDS

##### Duties and powers

**64** (1) A school board is accountable to the Minister and responsible for the control and management of the public schools within its jurisdiction in accordance with this Act and the regulations.

(2) A school board shall, in accordance with this Act and the regulations,

(a) make provision for the education and instruction of all students enrolled in its schools and programs;

(b) ensure that its schools adhere to the provincial program of studies;

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

(d) 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;

- (e) develop short and long term plans for the provision of barrier-free access to and within educational facilities;
- (f) promote its schools as safe, quality learning environments and as community resources;
- (g) subject to the regulations, provide and pay for the conveyance of students to and from school;
- (h) pay for the boarding of students in accordance with the regulations;
- (i) pay the tuition of students educated in public schools operated by other boards or authorities in accordance with the regulations;
- (j) provide regional services to assist public schools;
- (k) subject to any applicable collective agreement in effect when this Act comes into force, establish and follow a fair-hiring policy;
- (l) hire and pay the superintendent, principals, teachers and other staff;
- (m) invite the Department of Education to name a representative to participate in the process of hiring the superintendent and to participate in the annual evaluation of the superintendent;
- (n) identify staff-development needs;
- (o) establish policies respecting the communication by teachers to students and parents of learning expectations and progress;
- (p) establish an attendance committee to monitor attendance and carry out school board policies in respect of the absenteeism of students in the schools;
- (q) take remedial steps, in accordance with school board policy, in respect of those students who have been reported to the school board by a principal as being habitually absent from the school without acceptable excuse;
- (r) *repealed 2015, c. 16, s. 8.*
- (ra) collect and monitor data on unacceptable behaviour of students, as required by the Minister, including the interventions or consequences resulting from incidents of unacceptable behaviour on the basis of individual incidents and on an aggregate basis;
- (rb) report to the Minister at such times and in such manner and form as required by the Minister respecting the aggregate data on unacceptable behaviour of students;
- (rc) for the purpose of fostering an orderly and safe learning environment, co-operate with Government departments and agen-

cies to promote and encourage safe and respectful electronic communications;

(s) develop policies and implement programs consistent with the Minister's policies and guidelines respecting students who have been suspended for more than ten school days or expelled from school;

(t) establish a policy for the protection of students and employees from harassment and abuse;

(u) develop other regional policies, consistent with any policies established by the Minister, that reflect the board's responsibilities, including policies with respect to staffing, student-support services, programs, school-based fund-raising and transportation;

(v) develop regional strategic and business plans;

(va) develop, by such time and in such manner and form as is required by the Minister, a comprehensive long-term plan respecting its public schools and the delivery of its education programs and services;

(w) enter into an agreement, with a school advisory council and the Minister, determining the composition and responsibilities of the school advisory council;

(x) encourage the development of school advisory councils within its school district or school region;

(y) provide leadership training for members of school advisory councils;

(z) approve school-improvement plans and the annual report submitted by the school advisory council;

(aa) consult with school advisory councils with respect to matters assigned to school advisory councils pursuant to this Act;

(ab) provide for the effective and efficient management of the financial affairs of the board;

(ac) supervise capital expenditures;

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

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

(af) insure, in amounts agreed upon by the Minister, all buildings and personal property owned by the school board;

(ag) 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 board members, and the enforcement of this Act;

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

(ai) designate persons to execute agreements on behalf of the school board;

(aj) establish a public tendering and procurement policy, consistent with the Atlantic Provinces Procurement Agreement or similar or successor agreement;

(ak) with the approval of the Minister, enter into agreements with municipalities for the purpose of carrying out this Act and the regulations;

(al) co-operate with other school boards and Government departments and agencies to ensure the effective and efficient carrying out of this Act and the regulations;

(ala) establish a school board conflict of interest policy for school board staff consistent with the Provincial conflict of interest policy for school board staff established by the Minister in the regulations;

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

(am) submit to the Minister an annual report containing such information as is required by the Minister; and

(an) perform such other duties requested by or delegated to it by the Minister or required to carry out its responsibilities under this Act.

**(3)** A school board may

(a) provide such courses as are approved by the Minister;

(b) provide such additional services and benefits as the school board may consider desirable;

(c) enter into agreements, including tuition agreements, for the provision of services and benefits;

(d) permit persons to offer religious studies in its schools in accordance with the policies of the school board.

**(3A)** An employment or personal-services contract entered into between a school board and senior staff, as defined in the regulations, of the school board has no effect until approved by the Minister.

**(3B)** A school board shall implement the administrative structure for senior staff, as defined in the regulations, of the school board in accordance with the administrative structure prescribed by the Minister in the regulations.

**(3C)** A school board shall establish a compensation framework for senior staff, as defined in the regulations, of the school board in accordance with the compensation framework established by the Minister in the regulations.

**(4)** Notwithstanding subsections (2) and (3), in any fiscal year a school board shall not incur or make expenditures that will result in the total of the amounts of expenditures being in excess of the total of the amounts of the school board's revenue from all sources in that fiscal year.

**(5)** A school board designated in the regulations shall share services and related resources as defined in the regulations with one or more school boards, at such time, in the manner and on the terms and conditions as prescribed in the regulations.

**(6)** A school board, in carrying out its responsibilities under this Act, shall meet education program, service and performance standards established by the Minister. 1995-96, c. 1, s. 64; 2002, c. 5, s. 9; 2004, c. 3, s. 17; 2005, c. 16, s. 6; 2008, c. 54, s. 10; 2012, c. 14, s. 3; 2012, c. 50, s. 3; 2013, c. 2, s. 25; 2014, c. 13, s. 1; 2015, c. 16, s. 8; 2018, c. 7, s. 16.

#### **Commercial activity**

**64A** A school board shall not engage in or carry out any commercial activity, including lending, without the approval of the Minister. 2002, c. 5, s. 10; 2008, c. 53, s. 2.

#### **Unauthorized activity**

**64B** For greater certainty, a school board shall not engage in or carry out any activity that is outside the authority, powers, duties and responsibilities of the school board pursuant to this Act and the regulations. 2002, c. 5, s. 10.

**64C** *not proclaimed in force*

#### **Supervision during lunch break**

**64D** On and after September 1, 2009, a school board shall, in accordance with this Act and the regulations, provide for the supervision of students at a public school during the student's lunch break at no cost to the student. 2008, c. 53, s. 3.

#### **Report on salaries and expenses**

**65 (1)** Within three months after the end of each fiscal year, commencing with the 2001-02 fiscal year, a school board shall publish, in the manner and form prescribed by the regulations, a report of all payments, including salaries and expenses, made to and all benefits conferred on members and employees of the

school board during the fiscal year of the school board ending on March 31st in that year.

(2) Within four months after the end of each fiscal year, a school board shall file with the Minister a copy of the report referred to in subsection (1).

(3) A copy of the report required by subsection (1) shall be available at the offices of a school board for inspection and may be purchased at cost by any person. 1995-96, c. 1, s. 65; 2002, c. 5, s. 11.

#### **Power to make certain agreements**

66 A school board may enter into and carry out an agreement or agreements with any other school board for the education of some or all of the students residing in the area within its jurisdiction, for the transportation of students to school, for maintenance of public schools, for obtaining supplies, for sharing facilities and services and respecting any other services required by the school board. 1995-96, c. 1, s. 66.

#### **Certain by-law making powers**

67 With the approval of the Minister, a school board may make by-laws for the conduct and operation of a public school and the exercise of the powers of the school board. 1995-96, c. 1, s. 67.

#### **Carrying out of responsibilities**

68 (1) In carrying out its responsibilities and in exercising its authority under this Act, a school board shall comply with the policies of the Department of Education 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 a school board are not being used in a responsible manner;

(aa) a school board has failed to censure a member of a school board as directed by the Minister;

(ab) a school board has failed to meet the standards referred to in subsection 64(6); or

(b) the school board has failed to comply with a request of the Minister to take corrective action,

the Minister may appoint one or more persons who shall carry out such responsibilities and exercise such authority of the school board as the Minister determines and in such manner as the Minister determines and, to the extent the Minister determines, the school board ceases to have such responsibilities or authority. 1995-96, c. 1, s. 68; 2002, c. 5, s. 12; 2004, c. 3, s. 18; 2005, c. 16, s. 7; 2008, c. 54, s. 11.

**Volunteers**

**69 (1)** A school board may permit volunteers to assist in its schools in accordance with board policy.

**(2)** Where a school board permits volunteers to assist in its schools, it shall establish policies respecting the role of the volunteers. 1995-96, c. 1, s. 69.

**Prohibitions**

**70 (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 the teacher, other staff of the school board or 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 two thousand dollars or to imprisonment for six months, or to both. 1995-96, c. 1, s. 70.

**SCHOOL YEAR****Academic and fiscal years**

**71 (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. 1995-96, c. 1, s. 71.

**SCHOOL BOARD FINANCES AND PROPERTY****Grants**

**72** The Minister shall make grants to school boards as determined by the regulations with respect to services provided pursuant to Section 64. 1995-96, c. 1, s. 72.

**Financial assistance and municipal contribution**

**73 (1)** The Minister shall, in each fiscal year, provide to each school board and each municipality that, pursuant to this Act, is to make payments to that school board a statement of

- (a) the amounts of financial assistance to be paid by the Minister;
- (b) the total of the minimum municipal contributions to be paid by those municipalities; and
- (c) the rate to be used in determining the minimum municipal contribution to be paid by municipalities,

in the immediately following fiscal year to school boards pursuant to this Act and the regulations.

(2) The Governor in Council shall determine the rate referred to in subsection (1).

(3) Notwithstanding subsections (1) and (2) or any other enactment, the rate to be used in determining the minimum municipal contribution to be paid by municipalities in the fiscal year commencing April 1, 2008, and subsequent fiscal years up to and including the fiscal year commencing April 1, 2011, 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 Nova Scotia for the preceding calendar year. 1995-96, c. 1, s. 73; 2008, c. 2, s. 4; 2011, c. 8, s. 5.

#### Statement for municipality

74 Within thirty days of receipt from the Minister of a statement pursuant to Section 73, each school board shall submit to each municipality in the school district or school region, a statement setting out

- (a) the amount of the minimum municipal contribution that the municipality is required to pay pursuant to clause 76(1)(a); and
- (b) any additional amount that the municipality is requested to pay pursuant to clause 76(1)(b),

for the fiscal year with respect to which the Minister's statement is made. 1995-96, c. 1, s. 74.

#### Statement of revenues and expenditures

75 (1) Within sixty days of receipt of the Minister's statement pursuant to Section 73, each school board shall cause to be prepared and approve a statement of all estimated revenues and expenditures for the education program and services proposed by the board.

(2) The statement of estimated revenues and expenditures shall be prepared in the form prescribed by the Minister and shall be submitted to the Minister and to each municipality in the school district or school region within thirty days of approval by the school board. 1995-96, c. 1, s. 75.

**Amount of municipal payments to board**

**76 (1)** Unless an agreement made and approved pursuant to Section 27 of the former Act or made between a municipality and a regional school board pursuant to subsection (2) otherwise provides, each municipality shall pay to the school board

(a) the minimum municipal contribution that is required to be paid by each municipality to the school board; and

(b) the municipality's proportion of the amount that is requested by the school board to provide for the estimated expenditures of the board, after deducting

(i) the amount of the Minister's contribution as set out in the Minister's statement pursuant to Section 73, and

(ii) the sum of the minimum municipal contributions to be made by the participating municipalities pursuant to clause (a),

to the extent that the amount has been approved by the municipalities.

**(2)** Notwithstanding subsection (1), a regional school board may, by agreement with all the municipalities within the school region, vary the minimum municipal contribution of each of the municipalities within the school region, so long as the combined minimum municipal contributions made pursuant to the agreement equal the total minimum municipal contributions due to the regional school board pursuant to subsection (1).

**(3)** The amount required to be paid to a school board by a municipality pursuant to subsection (1) shall be paid in twelve equal monthly instalments in each fiscal year unless the school board and the municipality agree otherwise. 1995-96, c. 1, s. 76.

**Power to borrow**

**77** Where a council of a municipality refuses or neglects to make provision for or to pay to the school board the amounts payable to the school board pursuant to Section 76, the board 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. 1995-96, c. 1, s. 77.

**Payments by Minister**

**78 (1)** The Minister shall pay annually to each municipality the sums required by the municipality in that fiscal year to pay interest and repay the principal of sums borrowed by the municipality for the purposes of erecting, acquiring, purchasing, altering, adding to, improving, furnishing or equipping buildings for public schools or acquiring land therefor.

(2) The Minister may pay annually to each school board or its assignee an amount equal to the amount the board requires to pay the interest and repay the principal of sums borrowed by the school board pursuant to clause 87 (1)(d) and (e).

(3) The Minister shall pay annually to each school board, the area of which was an amalgamation area before its designation as a school district under the former Act,

(a) the sum required in that fiscal year to pay the interest and repay the principal of sums borrowed by the municipalities, for the purposes referred to in subsection (1), prior to the date of the designation of the area as an amalgamation area; and

(b) the amount required to pay the interest and repay the principal of sums borrowed by the amalgamated school board for the purposes set out in subsection (1). 1995-96, c. 1, s. 78.

#### **Power of Minister to withhold payments**

79 The Minister may withhold the payment of all or any part of financial assistance that would otherwise be payable to a school board or a municipality if the school board or the municipality

(a) fails to provide and administer any part of the public school program that is required to be provided under this Act and the regulations;

(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; or

(c) fails to pay its minimum municipal contribution to the school board. 1995-96, c. 1, s. 79.

#### **Special reserve fund**

80 (1) A school board shall create a special reserve fund into which shall 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 twenty-five thousand dollars or more is no longer required by the school board for its purposes, the board may, with the consent of the Minister, sell the same and pay the proceeds into the special reserve fund.

(3) The proceeds from the sale or the recovery of insurance proceeds in respect of real or personal property pursuant to Section 88 shall be paid into the special reserve fund.

(4) The proceeds from the sale or the recovery of insurance proceeds in respect of real property or furniture and equipment in a school building,

acquired from a former amalgamated school board when the district school board was established, shall be paid into the special reserve fund.

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

(6) The special reserve fund shall be used only for capital purposes as approved by the Minister. 1995-96, c. 1, s. 80.

#### **Investment policies**

**81 (1)** Subject to subsection (2) and the regulations, a school board may, for the sound and efficient management of any money of the school board, 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 a school board to invest money received under a trust in investments that are expressly forbidden by the instrument, if any, creating the trust. 1995-96, c. 1, s. 81; 2005, c. 16, s. 8.

#### **Disbursement of funds**

**82** The funds of a school board shall be disbursed only by the board, and if the board determines the services provided by it or some of them shall be provided by others, payment for those services shall be made only on certification of accounts in a manner satisfactory to the school board. 1995-96, c. 1, s. 82.

#### **Financial statements**

**83** Every school board for each fiscal year shall prepare financial statements in the form prescribed by the Minister and shall submit the statements to the Minister and to each municipality in the school district or school region before July 1st of the ensuing fiscal year. 1995-96, c. 1, s. 83.

#### **Auditor**

**84 (1)** Every school board shall annually appoint a person who is a licensed public accountant or a firm in which a member is a licensed public accountant to be the auditor of the school board.

(2) Where a school board does not appoint an auditor in accordance with subsection (1), the Minister may appoint one on behalf of the school board. 1995-96, c. 1, s. 84.

#### **Audit**

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



- (a) a statement of revenue and expenditure for the operating fund and any other fund of the board;
  - (b) a continuity of the surplus or deficit statement for the operating fund and any other fund of the board;
  - (ba) those matters that are required to be published pursuant to subsection 65(1);
  - (c) a statement of assets and liabilities for the operating fund and any other fund of the board as of the end of the fiscal year; and
  - (d) such other statement or information as may be required by law or by the school board.
- (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 which shall state
- (a) whether the auditor has obtained all the information and explanations the auditor has required;
  - (b) whether 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) whether the statements present fairly the financial position of the school board 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) Every auditor shall have free access at all times to the records, documents, books, accounts and vouchers of the school board and shall be entitled to receive from the officers and employees of the school board such information and explanations that in the opinion of the auditor are necessary for the performance of the auditor's duty, and it shall be the duty of the school board officials and employees to promptly provide such access and such information and explanations.
- (5) Within three months after the end of each fiscal year, the auditor shall present to the school board at a meeting of the board
- (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 school board and the auditor detailing weaknesses

in internal control, deficiencies in management-information systems, transactions lacking authority, defalcation, irregularity or other area requiring attention or improvement.

(6) Within four months after the end of each fiscal year, the school board shall provide to the Minister a copy of the material referred to in subsection (5), together with any other reports the Minister prescribes. 1995-96, c. 1, s. 85; 2002, c. 5, s. 13.

#### **Audit committee**

**85A** A school board shall establish an audit committee of the board composed of those persons and with the terms of reference prescribed in the regulations. 2002, c. 5, s. 14.

**86** *repealed 2011, c. 59, s. 1.*

#### **Property and finances**

**87 (1)** For the purpose of establishing, maintaining and operating public schools, a school board may

(a) acquire, hold, improve and maintain any real or personal property for such consideration and on such conditions as the Minister may deem proper;

(b) lease, sell or convey any real or personal property for such consideration and on such conditions as the Minister may deem proper;

(c) 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 may deem 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 pursuant to 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;

(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) The amount borrowed pursuant to clause (1)(g) shall be repaid in full by the end of the fiscal year in which the amount was borrowed.

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

(4) A school board shall pay the interest and repay the principal in respect of sums borrowed by the board pursuant to this Section. 1995-96, c. 1, s. 87.

#### **Further provisions respecting property**

**88** (1) Where the Minister has received a report pursuant to the regulations and the Minister is satisfied that it is necessary to acquire property or to construct, purchase, alter, add to, improve, furnish or equip buildings or other works for public school purposes, the Minister may, with the approval of the Governor in Council,

(a) acquire property for such consideration and on such conditions as the Minister may deem proper;

(b) construct, alter or add to buildings or other works for school purposes; or

(c) furnish and equip such buildings,

and all expenditures for such purposes shall be paid by the Province.

(2) Upon completion of a project, the Minister, with the approval of the Governor in Council, may convey title to such property to the school board, or to the municipality if title was acquired from the municipality for the purpose of the project, for such consideration and on such conditions as the Minister may deem proper.

(3) Where alterations, additions or improvements are made to public school property owned by a municipality, the municipality holds such property upon trust that the school board 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 the Province pursuant to subsection (5), that the value of alterations, additions or improvements made by or on behalf of the school board is to the appraised value of the whole property, and such proportion shall be paid into the special reserve fund established pursuant to Section 80.

(4) Notwithstanding subsection (3), where a building owned by a municipality or school board and used for public school purposes is partially or completely destroyed and the school board requires that the building be repaired or

replaced, the school board shall receive the proceeds from any insurance recovery and shall pay the proceeds into the special reserve fund established pursuant to Section 80.

(5) 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 the Province is responsible, the municipality shall pay the amount of the outstanding debt to the Province out of the insurance recovery. 1995-96, c. 1, s. 88.

### **School review policy**

**89 (1)** The Minister shall develop and adopt a school review policy that sets out the processes to be followed by a school board for considering or implementing a decision to permanently close a public school, which policy must include

- (a) the circumstances that may lead to a review of schools for permanent closure;
- (b) the establishment and composition of school review committees;
- (c) the information that school boards are to provide to school review committees and to the public;
- (d) the support that school boards are to provide to school review committees;
- (e) the subject-matter that school boards are to include in the terms of reference of school review committees;
- (f) the process that school boards and school review committees are to follow after a school review is initiated by a school board, including requirements for notices and public meetings to consult with respect to the options available to the school board;
- (g) time lines that are to be followed in a school review process; and
- (h) transitional plans that are to be implemented by school boards following a decision to permanently close a public school.

(2) Subject to the regulations, a school board may not permanently close a school except in accordance with the school review policy adopted by the Minister. 2014, c. 13, s. 2.

### **School deemed permanently closed**

**89A** 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. 2014, c. 13, s. 2.

#### **Powers of board respecting buildings**

**90 (1)** A school board may

(a) 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;

(b) enter into and carry out a lease or agreement for the renting of premises for public school purposes.

**(2)** No lease or agreement shall be entered into pursuant to clause (1)(b) that

(a) does not place the rental premises completely under the control of the school board; or

(b) contains any undertaking or agreement that abridges or modifies any power or duty of the school board. 1995-96, c. 1, s. 90.

#### **Consequences of declaration**

**91** When a school board makes a declaration 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 board shall notify the municipality in which the school house or building is located and the declaration shall, unless otherwise provided by the board, take effect at the commencement of the next academic school year, and the school house or building or part thereof or grounds or appurtenances shall not thereafter be used for school purposes without the approval of the school board. 1995-96, c. 1, s. 91.

#### **Control and management of buildings**

**92 (1)** Buildings owned by municipalities and used for school purposes are under the exclusive control and management of school boards and school boards are responsible for providing adequate maintenance and repairs and shall insure the buildings in amounts agreed upon by the municipalities and the school boards.

**(2)** The school boards shall notify the municipalities when land and buildings owned by the municipalities are no longer required for the purposes of the school boards. 1995-96, c. 1, s. 92.

#### **Consequences of declaring property surplus**

**93 (1)** Subject to subsection (2), where land and buildings, that have vested in a district school board pursuant to the former Act, are declared surplus by the district school board or a successor school board and the land and buildings were owned by a municipality prior to the establishment of the amalgamated school board pursuant to the former Act, the municipality shall have the option of having the surplus land and buildings reconveyed to it, subject only to any lien, mortgage

or charge in respect of the unmatured debt that exists at the time the land and buildings are declared surplus.

(2) Where land and buildings vested in the Conseil acadien are declared surplus by the Conseil acadien and the lands and buildings were owned by another school board prior to the vesting of the land and building in the Conseil acadien, that school board or a successor school board shall have the option of having the surplus land and buildings conveyed to it, subject only to any lien, mortgage or charge in respect of the unmatured debt that exists at the time the land and buildings are declared surplus. 1995-96, c. 1, s. 93.

94 to 110 *repealed 1995-96, c. 1, s. 156.*

## SCHOOL ATTENDANCE

### Persons required to attend

111 Subject to the regulations, every resident of the Province over the age of five years and under the age of sixteen years shall attend school in accordance with the regulations. 1995-96, c. 1, s. 111.

### Responsibility of custodian of child

112 When a child lives with or is under the care or in the custody of a person other than the child's parents, that person during the time that the child lives with that person or is under that person's care or in that person's custody, is subject to the duties imposed by this Act on the parents, but the duty and liability of the parent are not thereby affected or diminished. 1995-96, c. 1, s. 112.

### Exemptions

113 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; or
- (c) meets any other exemptions contained in regulations. 1995-96, c. 1, s. 113.

### Certificates

114 Certificates of exemption or of employment, of a temporary or permanent nature, may be issued by school boards or an official to whom the school board delegates its authorization in accordance with regulations made pursuant to this Act. 1995-96, c. 1, s. 114.

**Certain employment prohibited**

**115** 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 regulations made pursuant to this Act unless an employment certificate authorizing the employment has been issued pursuant to Section 114 and the regulations and is in effect. 1995-96, c. 1, s. 115.

**Duties of attendance committee**

**116** The attendance committee of the school board shall

- (a) monitor the attendance of students in schools in the district or region;
- (b) take steps to reduce the absenteeism of students from schools in the district or region in accordance with policies of the school board; and
- (c) recommend to the school board remedial steps and policies in respect of those students who have been reported to the school board by the principal as being habitually absent from school without acceptable excuse. 1995-96, c. 1, s. 116.

**Duties of parent or custodian**

**117** A parent or other person having charge or control of any child, shall, within five days after having been served with a notice by the school board 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 school board that that person is unable to induce the child to attend public school. 1995-96, c. 1, s. 117.

**Prima facie proof**

**118** It is *prima facie* proof to file with a court the following documents:

- (a) an affidavit of a person designated by the school board that a notice pursuant to Section 117 was served on a parent or person in charge of the child; and
- (b) a certificate purporting to be signed by the teacher, without proof of the teacher's appointment or signature, that the 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. 1995-96, c. 1, s. 118.

**Admissibility of certificate**

**119** A certificate respecting the enrolment and the attendance or non-attendance of a child in school that is or purports to be signed by a teacher is admissible in evidence without proof of the appointment or signature of the teacher and is *prima facie* proof of the facts stated in the certificate. 1995-96, c. 1, s. 119.

**Deemed within age limits**

**120** Where a person is charged with an offence under this Act in respect of a child who is alleged to be within the limits of the ages prescribed by regulations and the child appears to the court to be within those age limits the child shall, for the purposes of this Act, be deemed to be within those age limits unless it is proved to the satisfaction of the court that the child is not of an age within those age limits. 1995-96, c. 1, s. 120.

## STUDENT CONDUCT

**120A** *repealed 2015, c. 16, s. 9.*

**Requiring student to leave class**

**121** 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. 2013, c. 2, s. 26; 2015, c. 16, s. 10; 2017, c. 7, s. 16.

**Suspension or other action**

**122** 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 ten school days. 2013, c. 2, s. 26; 2015, c. 16, s. 11; 2017, c. 7, s. 16.

**Review of suspension**

**123 (1)** When a student is suspended pursuant to Section 122 the principal or other person in charge of the school shall immediately notify, in writing, the student, the student's teachers, the school board and the student's parents of the reasons for the suspension.

**(2)** The student or the student's parents may request a review of the suspension pursuant to Section 122 by the school board within five school days of receiving the notice pursuant to subsection (1).

**(3)** The school board shall

(a) confirm the suspension under Section 122; or



(b) order that the suspension be revoked and that the suspension be removed from the record of the student. 1995-96, c. 1, s. 123; 2015, c. 16, s. 12.

#### **Extended suspension**

**124 (1)** Where a student is suspended pursuant to Section 122 and the principal is of the view that the student should be suspended for a period greater than ten school days, the principal may, in writing, make a recommendation with reasons to the school board that the student be suspended for a period greater than ten school days.

**(2)** When a recommendation is made pursuant to subsection (1), the school board shall immediately notify, in writing, 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 school board shall

(a) dismiss the principal's recommendation; or

(b) extend the suspension of the student for a period of greater than ten school days.

**(4)** Where the suspension of a student begins within two months of the end of the school academic year, the period of time for which a school board may extend the suspension under subsection (3) may include a portion of the next academic year.

**(5)** The school board shall notify the student, the parents of the student, the student's teachers, the principal or person in charge of the school of its decision under subsection (3) within three days of the meeting at which the decision was made.

**(6)** Where the school board decides under subsection (3) to extend the suspension of the student, the school board shall include in its notice under subsection (5)

(a) the period for which the student is to be further suspended;

(b) the reasons for the decision to further suspend the student; and

(c) the right of the student and of the student's parents to appeal the decision.

**(7)** When a student or the parent of a student has been notified of the suspension of the student pursuant to (5), the student or the parent may, within seven days of receiving such notice, appeal the suspension to the school board.

**(8)** The school board shall, upon receipt of a notice of appeal pursuant to subsection (7)

(a) immediately notify the parent of the student and the student 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;

(b) within ten days of receipt of the notice of appeal, hold a hearing and confirm, revoke or vary the decision of the school board.

**(9)** Within three clear days of the hearing, the school board shall notify the student, the student's parent, the student's counsel, the student's teachers and the principal or person in charge of the school of its decision, which decision shall be final and binding. 1995-96, c. 1, s. 124; 2015, c. 16, s. 13.

#### **Manner of exercising certain powers and duties**

**125 (1)** The powers and duties of the school board set out in subsections 123(3) and 124(3) may be performed

(a) if so directed by the school board, by one or more committees consisting of the superintendent and two members of the school board, one of whom shall act as chair of the committee;

(b) if so directed by the school board, by the school advisory council of the school or a committee of the school advisory council;

(c) with the approval of the Minister, by one or more committees of persons designated by office or named by the school board.

**(2)** The power and duties of the school board set out in subsection 124(8) may be performed, if so directed by the school board, by one or more committees consisting of the superintendent and two members of the school board, one of whom shall act as chair of the committee. 1995-96, c. 1, s. 125.

#### **Alternative educational arrangements**

**126** Where a student is suspended for more than ten school days, the school board, in consultation with the student's parent, shall make every reasonable effort to provide alternative arrangements for the education of the student. 1995-96, c. 1, s. 126; 2015, c. 16, s. 14.

#### **Suspension of school bus rights**

**127 (1)** The principal of a public school, or such other supervisory person as may be designated by the school board, may suspend a student's right to use the school bus if, in that person's judgement, the student has refused to comply with reasonable rules or regulations of the school board or directions given by the bus driver or if, in that person's judgement, 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 pursuant to subsection (1) to use the school bus shall report this action immediately to the school board and inform the student's parent by the speediest method convenient of that person's action.

(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 parent shall be notified in writing 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 pursuant to subsection (4).

(4) Where a student is suspended for a period of more than five school days, the parent of the student or the student, if the student is of the age of majority, may, within seven days of receiving notice of the suspension pursuant to subsection (3), appeal the decision to suspend.

(5) Where a notice of appeal has been received by the school board pursuant to subsection (4), the balance of the suspension shall be stayed until the school board confirms, revokes or varies the suspension.

(6) The school board shall, upon receipt of a notice of appeal

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

(b) within ten 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 been sent by the school board by registered mail 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. 1995-96, c. 1, s. 127.

## HOME EDUCATION

### Provision of home education

**128 (1)** A parent may provide a home education program to a child of the parent centered in the child's home.

(2) A parent providing a home education program to a child shall

(a) register the child for each school academic year with the Minister; and

(b) report the child's progress to the Minister,

as prescribed by the regulations.

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

(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,

as prescribed by the regulations.

(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, as prescribed by the regulations, 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 will 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 through an assessment instrument authorized by the Minister in order to determine the child's educational progress, in accordance with the regulations.

(7) When, following participation in a home education program, a child enrolls in a public school, the school board shall determine the child's grade placement. 1995-96, c. 1, s. 128.

#### **Termination of right to provide home education**

**129 (1)** A parent may not provide or continue to provide a home education program to a child if, based on the evidence provided pursuant to subsection 128(4) and the report made pursuant to subsection 128(5), 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 as measured pursuant to subsection 128(4).

(2) Before making a determination pursuant to 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. 1995-96, c. 1, s. 129.

#### PRIVATE SCHOOLS

##### **Right to attend private school**

130 A child may attend a private school. 1995-96, c. 1, s. 130.

##### **Duties and rights of private school**

131 (1) A private school shall

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

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

(c) 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. 1995-96, c. 1, s. 131.

##### **Recognition of program**

132 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. 1995-96, c. 1, s. 132.

#### COMMUNITY FACILITIES

##### **Agreements respecting community facilities**

133 (1) A school board 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 school board 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 shall not be entered into unless the agreement relates to a community facility that is part of a school property, and a municipality shall not pay the capital cost of a community facility that is an alteration, addition or improvement to a school property except pursuant to an agreement.

(5) An agreement with respect to a community facility shall

(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) An agreement with respect to a community facility is of no effect unless the agreement is approved by the Minister.

(7) 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, shall be filed with the Minister, the Minister of Municipal Affairs and the member of the Executive Council assigned responsibility for the Nova Scotia Sport and Recreation Commission. 1995-96, c. 1, s. 133; 2004, c. 6, s. 3.

#### **Power to carry out agreement and impose rates**

134 (1) A school board 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 shall be held to be money required for the ordinary lawful purposes of the municipality and shall 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 Affairs Act*. 1995-96, c. 1, s. 134; 2004, c. 6, s. 4.

#### **Holding and disposition of school property**

135 (1) Where the community facility to which the agreement relates is an alteration, addition or improvement to a school property owned by a school board, the school board shall hold 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 the Province pursuant to this Act.

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

(4) Every amount recovered by the municipality pursuant to this Section shall be paid into the special reserve fund of the municipality.

(5) A school board shall 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. 1995-96, c. 1, s. 135.

**Requirement for consent unaffected**

**136** Nothing in this Act respecting an agreement with respect to a community facility means or shall be construed to mean that either a municipality or a school board is relieved from obtaining a consent or approval of the Minister or the Minister of Municipal Affairs required by this or another enactment. 1995-96, c. 1, s. 136.

MI'KMAQ EDUCATION

**Council on Mi'kmaq Education**

**137 (1)** There is hereby established a Council on Mi'kmaq Education.

(2) The Minister shall establish the terms of reference for the Council on Mi'kmaq Education in consultation with the Task Force on Mi'kmaq Education.

(3) The Council 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 on adult education; and

(b) perform such other duties as determined by the regulations.

(4) Pending the appointment of the members of the Council pursuant to subsection (5), the Council is composed of the members of the Task Force on Mi'kmaq Education.

(5) Members of the Council shall be appointed by the Minister for such terms and upon such conditions as determined by the regulations.

(6) The Council shall meet at least four times a year.

(7) Meetings of the Council shall be presided over by a member of the Council chosen by the Council.

(8) The members of the Council are entitled to such remuneration and shall be reimbursed for such reasonable expenses as are necessarily incurred in carrying out their duties, as the Governor in Council determines by regulation. 1995-96, c. 1, s. 137.

**Duties of school boards**

**138** School boards shall



- (a) provide and implement programs and policies promoting Mi'kmaq education; and
- (b) include in learning materials information respecting the history, language, heritage, culture, traditions and the contribution to society of the Mi'kmaq. 1995-96, c. 1, s. 138.

#### AFRICAN-CANADIAN EDUCATION

##### **Council on African-Canadian Education**

**139 (1)** There is hereby established a Council on African-Canadian Education.

**(2)** The Minister shall establish the terms of reference for the Council on African-Canadian Education in consultation with the Black Learners Advisory Committee.

**(3)** The Council 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 on adult education; and
- (b) perform such other duties as determined by the regulations.

**(4)** Pending the appointment of the members of the Council pursuant to subsection (5), the Council is composed of the members of the Black Learners Advisory Committee.

**(5)** Members of the Council shall be appointed by the Minister for such terms and upon such conditions as determined by the regulations.

**(6)** The Council shall meet at least four times a year.

**(7)** Meetings of the Council shall be presided over by a member of the Council chosen by the Council.

**(8)** The members of the Council are entitled to such remuneration and shall be reimbursed for such reasonable expenses as are necessarily incurred in carrying out their duties, as the Governor in Council determines by regulation. 1995-96, c. 1, s. 139.

##### **Duties of school boards**

**140** School boards shall

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

(b) include in learning materials information respecting the history, heritage, culture, traditions and the contribution to society of African people. 1995-96, c. 1, s. 140.

#### GENERAL

#### Investigation and audit of school board

**140A (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 a school board;

(b) inquire into or investigate any school board matter related to

(i) the school board’s financial condition,

(ii) the school board’s administrative affairs,

(iii) the health, safety or educational welfare of the students of a school, or

(iv) any other matter connected with the organization, management, administration or operation of a school board.

(3) Where the Minister so provides, a person appointed pursuant to subsection (2) has the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*.

(4) The person appointed pursuant to subsection (2) is entitled to receive and shall be paid such fees as may be fixed and paid by the Minister.

(5) The person appointed pursuant to 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 thereafter returned to the school board.

(6) The person appointed pursuant to subsection (2) shall report the results of the audit, inquiry or investigation to the Minister.

(7) Upon receipt of the report, the Minister may

(a) issue such directives to the school board regarding corrective action; or

(b) take such other action as authorized by this Act,

as the Minister considers appropriate. 2011, c. 59, s. 2; 2015, c. 16, s. 15.

#### **Powers of Minister**

**141 (1)** The Minister may

(a) subject to the regulations, direct the expenditure of all sums appropriated by the Legislature for educational purposes;

(b) to (d) *repealed 2011, c. 57, s. 3(1)*.

(e) subject to the regulations, classify teachers and grant teachers' certificates and permits;

(f) after consultation with a school board, approve plans for school buildings;

(g) 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 the public schools;

(h) establish a trust fund, to be known as the Maintenance Stabilization Trust Fund, for the purpose of lending money to school boards for capital purposes;

(i) make loans from the Maintenance Stabilization Trust Fund to school boards, on such terms and conditions as the Minister determines;

(j) require that reports and returns be made by teachers, school advisory councils, school boards and others engaged in the conduct or management of public schools;

(ja) 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;

(jb) 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;

(k) effect improvement generally in the conduct and administration of school boards, and, among other things, consult with, assist and advise school boards, develop proper methods of school board administration, financing, accounting and auditing, collaborate with public education organizations and other bodies and collect, compile and disseminate education statistics and information;

- (ka) provide an instructional leadership program for teachers and grant diplomas for the successful completion of the program;
- (kb) collect, directly and indirectly, and use personal information for
  - (i) administering this Act and the regulations and implementing the policies, guidelines and directives made under this Act,
  - (ii) ensuring compliance with this Act, the regulations and the policies, guidelines and directives made under this Act,
  - (iii) 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
  - (iv) research and statistical activities that relate to education and are conducted by or on behalf of the Minister;
- (l) do such other things as the Minister deems necessary to carry out effectively the Minister's duties under this Act.

(2) The Minister shall review the Provincial school code of conduct policy established under clause (1)(ja) at least once every two years. 1995-96, c. 1, s. 141; 2010, c. 50, s. 1; 2011, c. 57, s. 3(1); 2012, c. 14, s. 6; 2013, c. 2, s. 27; 2015, c. 16, s. 16; 2017, c. 7, s. 16.

#### **Restriction on collection or use of personal information**

**141A (1)** The Minister shall not collect or use personal information if other information would serve the purpose of the collection or use.

(2) The Minister shall not collect or use more personal information than is reasonably necessary to meet the purpose of the collection or use. 2010, c. 50, s. 2.

#### **Regional education officers**

**142 (1)** The Minister may appoint persons in the Civil Service as regional education officers for the purpose of this Act.

- (2) A regional education officer shall
  - (a) act as an educational adviser to one or more school boards;
  - (b) visit schools and report to the Minister on the educational activities at the schools and the conditions of the schools, consult with and co-operate with other educational agencies and generally aid the Minister in keeping in touch with educational conditions throughout the Province;

(c) promote the advancement of education by holding public meetings; and

(d) perform such other duties as the Minister determines.  
1995-96, c. 1, s. 142.

#### **Application of legislation to certain payments**

**143 (1)** The payments made by the Minister or a school board 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)** Subsection 85(4) applies *mutatis mutandis* to an audit pursuant to this Section. 1995-96, c. 1, s. 143.

#### **Power of Governor in Council respecting money**

**144** The Governor in Council may receive in trust, hold and spend sums of money donated, bequeathed or subscribed for the use of public schools. 1995-96, c. 1, s. 144.

#### **Regulations by Minister**

**145 (1)** The Minister may make regulations

(a) after consultation with the Council on Mi'kmaq Education, respecting the Council on Mi'kmaq Education;

(b) after consultation with the Council on African-Canadian Education, respecting the Council on African-Canadian Education;

(c) prescribing the time in session, holidays and vacations of all public schools;

(d) prescribing the minimum number of hours of instruction to which students in the public schools are entitled;

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

(f) for the administration of the Nova Scotia School Book Bureau;

(g) prescribing courses of study and authorizing learning materials for use in the public schools;

(h) *repealed 2015, c. 16, s.17.*

(i) establishing a provincial policy respecting special-education programming and services;

(j) respecting students who have been suspended;

- (k) prescribing an appeal process for where there is a disagreement between a school board and a parent of a child with special needs respecting the individualized program plan for that child;
- (ka) defining “senior staff” for the purpose of subsections 64(3A), (3B) and (3C);
- (kb) respecting an administrative structure and a compensation framework for the purpose of subsections 64(3B) and (3C);
- (l) prescribing the manner and form in which a school board 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 school board;
- (m) respecting the circumstances under which a school board may permanently close a school without following the school review policy adopted by the Minister pursuant to Section 89;
- (n) to (oa) *repealed 2014, c. 13, s. 3.*
- (p) prescribing the public school program of education to be provided and administered by school boards;
- (pa) *repealed 2015, c. 16, s.17.*
- (pb) and (pc) *repealed 2012, c. 56, s. 4.*
- (q) for the support, conduct, operation and management of public schools and services;
- (r) *repealed 2011, c. 57, s. 4.*
- (s) respecting school advisory councils;
- (sa) establishing a Provincial conflict of interest policy for school board staff;
- (sb) prescribing the oath of office to be taken by the members of a school board;
- (sc) prescribing the mandatory content of a code of ethics adopted by a school board;
- (sd) respecting the appointment of adjudicators to hear appeals from a decision of a school board to censure a member of the school board;
- (se) prescribing the mandatory content of a procedural by-law respecting the conduct of meetings of a school board;
- (t) approving a financial management system respecting estimates, bookkeeping and accounting to be adopted by school boards, 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 expendi-

tures of school boards shall be kept, and the manner in which all funds and moneys thereof shall be accounted for.

(2) The exercise by the Minister of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 1995-96, c. 1, s. 145; 2002, c. 5, s. 15; 2007, c. 15, s. 2; 2008, c. 54, s. 12; 2010, c. 13, s. 2; 2011, c. 57, s. 4; 2012, c. 14, s. 7; 2012, c. 56, s. 4; 2014, c. 13, s. 3; 2015, c. 16, s. 17.

### Regulations by Governor in Council

146 (1) The Governor in Council may make regulations

(a) respecting the expenditure, by way of grants, of moneys from time to time appropriated by the Legislature for grants for educational purposes and prescribing the terms and conditions upon which such grants shall be paid;

(b) respecting surplus operating funds of school boards;

(c) prescribing or prohibiting the investment of money of school boards and prescribing investments or classes of investments in which such money may be invested for the sound and efficient management of any money of school boards;

(ca) respecting the composition of an audit committee of a school board and the terms of reference of that committee;

(d) respecting the construction, location and control of public school buildings;

(e) respecting the classification of teachers and the granting, cancellation and suspension of teachers' 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;

(ea) prescribing restrictions or conditions on a teacher's certificate or a teaching permit;

(eb) authorizing the holder of a teacher's certificate or a teaching permit to surrender the certificate or teaching permit;

(ec) respecting the reporting of the suspension or cancellation of, or restrictions or conditions on, a teacher's certificate or a teaching permit to school boards in the Province and teacher certification authorities within and outside Canada;

(ed) respecting the disclosure of information pertaining to the suspension or cancellation of, or restrictions or conditions on, a teacher's certificate or teaching permit;

(f) requiring teachers and any other class or classes of employees of school boards or of persons providing services for school boards to undergo medical examinations, prescribing the nature of those examinations and the conditions under which they

shall 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;

(g) prescribing terms and conditions relating to cancellation, suspension or modification of contracts between teachers and school boards as a result of medical examinations made pursuant to the regulations;

(h) prescribing the legal age limit for students and the conditions of satisfactory attendance for public schools;

(i) prescribing the method for determining those who are entitled to receive a French-first-language program in the Province;

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

(k) providing for the manner in which students may be transferred between a school of the Conseil acadien and a school of another school board;

(l) providing for the sharing of enrolment information between the Conseil acadien and another school board;

(m) providing for the method of determining the location of French-first-language program educational facilities;

(n) providing for the conveyance of students, including the conveyance of students to facilities providing a French-first-language program;

(o) generally providing for the provision and administration of French-first-language programs in the Province;

(p) respecting such other matters as the Governor in Council deems necessary or advisable for French-first-language programs;

(q) respecting home education programs including, without limiting the generality of the foregoing, the appointment of independent assessors;

(r) respecting private schools;

(s) respecting any matter that the Governor in Council may deem necessary or advisable to give effect to the designation of a school region or for the effective establishment and operation of all regional school boards or a particular regional school board;

(t) determining the remuneration of and respecting the reimbursement for expenses of members of the Council on Mi'kmaq Education;



- (u) determining the remuneration of and respecting the reimbursement for expenses of members of the Council on African-Canadian Education;
- (v) prescribing the fees to be paid to the Minister and to the school board by foreign students;
- (w) prescribing the fees to be paid to the Minister for services rendered by the Department of Education;
- (x) setting the maximum percentage of the school board budget or the maximum amount that may be spent for non-instructional purposes;
- (xa) 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) the monitoring of approved special education private schools,
  - (v) the funding with respect to students with special needs attending approved special education private schools, including grants or funding based on income,
  - (vi) fees,
  - (vii) the appointment and remuneration of a person to approve applications for funding referred to in subclause (v),
  - (viii) appeals,
  - (ix) authorizing the Minister to perform the functions referred to in subclauses (i) to (viii);
- (xb) determining or designating anything required to be determined or designated under Sections 10A to 10F;
- (xc) for the purpose of subsection 64(5);
- (y) respecting confidentiality of information held by a school board or a school with respect to students and the release of such information;
- (ya) respecting any matter, including the modification, restriction or enlargement of words, expressions or provisions, that the Governor in Council may deem necessary or advisable to give effect to the establishment and operation of district school boards or a particular district school board;
- (yb) prescribing additional duties of a director of education of a district school board;

(yc) *repealed 2008, c. 53, s. 4.*

(yd) designating a school region and a regional school board or the Conseil acadien for the purpose of Section 10J and determining the extent and terms and conditions upon which Sections 10A to 10I apply in each case;

(ye) determining which provisions of this Act apply to any school board designated pursuant to clause (yd), and which provisions apply to the district school boards, or to both;

(yf) designating a child-related offence for purpose of clause 47A(b);

(yg) respecting any matter related to an audit, inquiry, investigation or report under Section 140A;

(z) defining any word or expression used in this Act and not defined herein;

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

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 1995-96, c. 1, s. 146; 2000, c. 11, s. 9; 2002, c. 5, s. 16; 2004, c. 3, s. 19; 2004, c. 4, s. 110; 2005, c. 16, s. 9; 2006, c. 27, s. 1; 2008, c. 53, s. 4; 2011, c. 59, s. 3.

#### **Executive Council Act amended**

147 *amendment*

#### **Municipal Conflict of Interest Act amended**

148 and 149 *amendments*

#### **Municipal Elections Act amended**

150 *amendment*

#### **Public Service Act amended**

151 *amendment*

#### **Substituted reference**

152 A reference in any Act of the Legislature or in any rule, order, regulation, by-law, ordinance or proceeding or in any document whatsoever to the Department of Education [and Culture] or the Minister or Deputy Minister of that Department, whether the reference is by official name or otherwise, shall as regards any subsequent transaction, matter or thing be held and construed to be a reference to the Department of Education and Early Childhood Development or to the Minister or Deputy Minister of that Department, respectively, where the reference relates

to an affair, matter or function that, by or pursuant to the *Public Service Act* or this Act, is assigned to the Department of Education and Early Childhood Development or to the Minister or Deputy Minister of that Department. 1995-96, c. 1, s. 152; 2005, c. 16, s. 10; 2015, c. 16, s. 18.

#### **School Boards Act repealed**

**153** Chapter 6 of the Acts of 1991, the *School Boards Act*, is repealed. 1995-96, c. 1, s. 153.

#### **Teachers' Collective Bargaining Act amended**

**154** *amendments*

#### **Former Act repealed**

**155 (1)** The former Act is repealed.

**(2)** Notwithstanding subsection (1), the council of a municipality may levy an area rate pursuant to the former Act where a school board requested the area rate before this Act came into force. 1995-96, c. 1, s. 155.

#### **Abolition of boards of trustees**

**156** Effective August 1, 1996,

- (a) all boards of trustees under this Act are dissolved; and
- (b) the heading immediately preceding Section 94 and Sections 94 to 110 are repealed. 1995-96, c. 1, s. 156.

#### **Existing regulations continued**

**157** For greater certainty, any regulation made pursuant to Chapter 6 of the Acts of 1991, the *School Boards Act*, or the former Act remain in force, in so far as they are not inconsistent with this Act until others are made in their stead. 1995-96, c. 1, s. 157.

#### **Proclamation**

**158** This Act comes into force on and not before such day as the Governor in Council declares by proclamation. 1995-96, c. 1, s. 158.

Proclaimed - January 16, 1996  
In force - January 16, 1996