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N.S. Reg. 156/2003

Made: August 7, 2003

Filed: August 25, 2003

Ministerial Education Act Regulations

Order dated August 7, 2003
made by the Minister of Education
pursuant to Section 145 of the *Education Act*

**In the matter of Section 145 of Chapter 1 of the Acts of 1995-96,
the *Education Act***

- and -

**In the matter of the *Ministerial Education Act Regulations*
made by the Minister of Education pursuant to
Section 145 of the *Education Act***

Order

I, Angus MacIsaac, Minister of Education for the Province of Nova Scotia, pursuant to Section 145 of Chapter 1 of the Acts of 1995-96, the *Education Act*, hereby amend the *Ministerial Education Act Regulations* made by the Minister of Education on June 24, 1997, by adding the following Sections after Section 62:

Definition of senior staff of certain school boards

63 For the purpose of subsection 64(3B) of the Act, “senior staff” of the Conseil acadien and a regional school board, other than the Southwest Regional School Board and the Strait Regional School Board, means the

- (a) superintendent, whose responsibilities are specified in clause 66(2)(b);
- (b) director of the programs and student services department specified in clause 67(a), who shall have the title of Director of Programs and Student Services;
- (c) director of the operational services department specified in clause 67(b), who shall have the title of Director of Operational Services;
- (d) director of the financial services department specified in clause 67(c), who shall have the title of Director of Financial Services; and
- (e) director of the human resources services department specified in clause 67(d), who shall have the title of Director of Human Resources Services.

Definition of senior staff of Southwest Regional School Board and the Strait Regional School Board

64 For the purpose of subsection 64(3B) of the Act, “senior staff” of the Southwest Regional School Board and the Strait Regional School Board means the

- (a) Chief Executive Officer, whose responsibilities are specified in clause 66(3)(b);
- (b) director of the operational services department specified in clause 67(b), who shall have the title of Director of Operational Services;
- (c) director of the financial services department specified in clause 67(c), who shall have the title of Director of Financial Services; and

- (d) director of the human resources services department specified in clause 67(d), who shall have the title of Director of Human Resources Services.

Definition of senior staff of district school board

65 For the purpose of subsection 64(3B) of the Act, “senior staff” of a district school board that administers schools in a school district in a school region administered by the Southwest Regional School Board or the Strait Regional School Board means the director of education, whose responsibilities are specified in clause 66(4)(b).

Administrative structure for senior staff of school boards and related requirements

- 66 (1)** For the purpose of this Section and Sections 67 to 69, “administrative structure” means the administrative structure for senior staff prescribed by this Section.
- (2)** The administrative structure of the Conseil acadien and a regional school board, other than the Southwest Regional School Board and the Strait Regional School Board, shall be composed only of
- (a) the departments specified in Section 67 and the directors of those departments; and
 - (b) the office of superintendent and the superintendent who holds the office, who shall have, for the purpose of carrying out the duties of a superintendent under the Act, only the following responsibilities respecting the administrative structure:
 - (i) overall responsibility for the departments specified in Section 67 and supervision of the directors of those departments, and
 - (ii) responsibility for functions in only the following prescribed categories:
 - (A) community relations,
 - (B) strategic/business planning,
 - (C) communications,
 - (D) accountability standards, and
 - (E) continuous improvement framework.
- (3)** The administrative structure of the Southwest Regional School Board and the Strait Regional School Board shall be composed only of
- (a) the departments specified in clauses 67(b) to (d) and the directors of those departments; and
 - (b) the office of Chief Executive Officer and the Chief Executive Officer who holds the office, who shall have, for the purpose of carrying out the duties of a Chief Executive Officer under the Act, only the following responsibilities respecting the administrative structure:
 - (i) overall responsibility for the departments specified in clauses 67(b) to (d), and supervision of the directors of those departments, and
 - (ii) responsibility for functions in only the following prescribed categories:
 - (A) district/region relations,
 - (B) strategic/business planning,

- (C) communications,
 - (D) accountability standards,
 - (E) regional service delivery standards, and
 - (F) continuous improvement framework.
- (4) The administrative structure of a district school board that administers schools in a school district in a school region administered by the Southwest Regional School Board or the Strait Regional School Board shall be composed only of
- (a) the programs and student services department specified in clause 67(a); and
 - (b) the office of director of education and the director of education who holds the office, who shall have, for the purpose of carrying out the duties of a director of education under the Act, only the following responsibilities respecting the administrative structure:
 - (i) overall responsibility for the programs and student services department specified in clause 67(a), and
 - (ii) responsibility for functions in only the following prescribed categories:
 - (A) community relations,
 - (B) communications,
 - (C) educational accountability standards,
 - (D) planning,
 - (E) continuous improvement,
 - (F) continuous improvement framework,
 - (G) support of budget process,
 - (H) regional service delivery standards,
 - (I) district hiring.
- (5) A director of a department is responsible only for the department that they direct and shall not hold more than one senior staff position.
- (6) Despite subsection (5), a director of education referred to in subsection (4) shall not hold the office of director of education under the Act separately from the office of director of the programs and student services department.

Departments within administrative structure

67 The following departments shall be included in an administrative structure in accordance with subsections 66(2), (3) and (4):

- (a) a programs and student services department, which shall have functions in only the following prescribed categories:

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- (i) student services,
 - (ii) implementation of Provincial curriculum,
 - (iii) race relations, cross-cultural understanding and human rights,
 - (iv) education quality and accountability,
 - (v) principal support in the area of programs and student services,
 - (vi) on behalf of the superintendent or the director of education, as the case may be, principals, including supervision and evaluation of principals,
 - (vii) technology in the curriculum and classrooms,
 - (viii) teacher professional development,
 - (ix) school advisory committees, including school improvement plans, and
 - (x) community education and adult education, if applicable,
- and any additional student-related programs;
- (b) an operational services department, which shall have functions in only the following prescribed categories:
 - (i) facilities management, including community access,
 - (ii) capital construction and additions and alterations,
 - (iii) transportation of students,
 - (iv) technology, and
 - (v) principal support in the area of operations;
 - (c) a financial services department, which shall have functions in only the following prescribed categories:
 - (i) budgets,
 - (ii) accounting, including payroll,
 - (iii) insurance risk,
 - (iv) procurement,
 - (v) audit support,
 - (vi) principal support in the area of finance, and
 - (vii) school-based funds management;
 - (d) a human resources services department, which shall have functions in only the following prescribed categories:

- (i) labour relations, including support of local and Provincial bargaining,
- (ii) performance management and growth planning systems,
- (iii) non-teacher professional development and coordination of the board-wide professional development plan,
- (iv) employment equity,
- (v) occupational health and safety,
- (vi) employee health,
- (vii) succession planning,
- (viii) coordination of staff allocations,
- (ix) staff recruitment and placement, and
- (x) principal support in the area of human resources.

Implementation of administrative structure

68 A school board shall implement its administrative structure in accordance with all the applicable requirements in Sections 63 to 67 on or before July 31, 2005.

Variations

- 69 (1)** Despite Section 68, a school board may apply to the Minister for a variance of any requirement in Sections 63 to 68, other than a requirement specified in subsection (4), by providing to the Minister a statement that includes
- (a) an explanation of why the administrative structure cannot be implemented without the variance;
 - (b) a description of the proposed alternative;
 - (c) an explanation demonstrating that, if varied as proposed, the administrative structure will meet the criteria set out in subsection (2); and
 - (d) assurance that the proposed alternative administrative structure meets all statutory requirements,
- and any additional information that may be necessary to support the application for the variance, or that is requested by the Minister.
- (2)** An administrative structure that is varied in accordance with an application under subsection (1) must be at least as effective as the administrative structure prescribed by Section 66 in enabling the school board to
- (a) focus on the delivery of student programs and services as its primary responsibility;
 - (b) manage its affairs in a productive manner, including achieving timely results, and demonstrating continuous improvement;
 - (c) be responsive to student, parent and community needs for program and service delivery, and to the needs of school advisory councils;

- (d) be accountable for quality education, decision-making and resources; and
 - (e) be adaptable and flexible to address emerging needs.
- (3) Upon receipt of a school board's application under subsection (1), the Minister may grant a variance to the school board for such period of time and on such terms and conditions as the Minister considers appropriate if, in the Minister's opinion, the statement provided by the school board with its application meets the requirements of subsection (1).
- (4) The following requirements may not be varied under this Section:
- (a) for the administrative structure of the Conseil acadien and a regional school board, other than the Southwest Regional School Board and the Strait Regional School Board,
 - (i) the requirement in subsection 66(2) to include the senior staff position of director of the programs and student services department and to include the office of superintendent as a senior staff position, and
 - (ii) the requirement in clause 66(2)(a) to have a department of programs and student services;
 - (b) for the Southwest Regional School Board and the Strait Regional School Board, the requirement in Section 66(3)(b) to include the office of Chief Executive Officer as a senior staff position; and
 - (c) for a district school board that administers schools in a school district in a school region administered by the Southwest Regional School Board or the Strait Regional School Board, the requirement in Section 66(4)(b) to include the office of director of education as a senior staff position.

DATED AND MADE at Halifax, Nova Scotia, August 7, 2003.

sgd: *Angus MacIsaac*
Honourable Angus MacIsaac
Minister of Education