

Royal



Gazette

Part II Regulations under the Regulations Act

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In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 46/2018

Made: March 22, 2018

Filed: March 23, 2018

Prescribed Petroleum Products Prices

Order dated March 22, 2018
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**M08586****In the matter of the *Petroleum Products Pricing Act*****- and -**

**In the matter of prescribing prices for petroleum products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Richard J. Melanson, LL.B, Member

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (Board) considered the manner in which it would proceed to set petroleum product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended March 21, 2018, are:

Grade 1 Regular gasoline	63.6¢ per litre
Ultra-low-sulfur diesel oil	66.3¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	63.6¢ per litre
Grade 2	66.6¢ per litre
Grade 3	69.6¢ per litre
Ultra-low-sulfur diesel oil	66.3¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	plus 0.8¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.6¢ per litre

And whereas a winter blending adjustment of plus 3.8¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule "A" effective on and after 12:01 a.m., March 23, 2018.

Dated at Halifax, Nova Scotia, this 22nd day of March, 2018.

sgd: *Bruce A. Kiley*
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on March 23, 2018**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	71.7	10.0	15.5	97.2	117.6	119.8	117.6	999.9
Mid-Grade Unleaded	74.7	10.0	15.5	100.2	121.1	123.3	121.1	999.9
Premium Unleaded	77.7	10.0	15.5	103.2	124.5	126.7	124.5	999.9
Ultra-Low-Sulfur Diesel	78.0	4.0	15.4	97.4	117.9	120.1	117.9	999.9
Zone 2								
Regular Unleaded	72.2	10.0	15.5	97.7	118.2	120.4	118.2	999.9
Mid-Grade Unleaded	75.2	10.0	15.5	100.7	121.7	123.9	121.7	999.9
Premium Unleaded	78.2	10.0	15.5	103.7	125.1	127.3	125.1	999.9
Ultra-Low-Sulfur Diesel	78.5	4.0	15.4	97.9	118.4	120.6	118.4	999.9
Zone 3								
Regular Unleaded	72.6	10.0	15.5	98.1	118.7	120.9	118.7	999.9
Mid-Grade Unleaded	75.6	10.0	15.5	101.1	122.1	124.3	122.1	999.9
Premium Unleaded	78.6	10.0	15.5	104.1	125.6	127.8	125.6	999.9
Ultra-Low-Sulfur Diesel	78.9	4.0	15.4	98.3	118.9	121.1	118.9	999.9
Zone 4								
Regular Unleaded	72.7	10.0	15.5	98.2	118.8	121.0	118.8	999.9
Mid-Grade Unleaded	75.7	10.0	15.5	101.2	122.2	124.4	122.2	999.9
Premium Unleaded	78.7	10.0	15.5	104.2	125.7	127.9	125.7	999.9
Ultra-Low-Sulfur Diesel	79.0	4.0	15.4	98.4	119.0	121.2	119.0	999.9
Zone 5								
Regular Unleaded	72.7	10.0	15.5	98.2	118.8	121.0	118.8	999.9
Mid-Grade Unleaded	75.7	10.0	15.5	101.2	122.2	124.4	122.2	999.9
Premium Unleaded	78.7	10.0	15.5	104.2	125.7	127.9	125.7	999.9
Ultra-Low-Sulfur Diesel	79.0	4.0	15.4	98.4	119.0	121.2	119.0	999.9
Zone 6								
Regular Unleaded	73.4	10.0	15.5	98.9	119.6	121.8	119.6	999.9
Mid-Grade Unleaded	76.4	10.0	15.5	101.9	123.0	125.2	123.0	999.9
Premium Unleaded	79.4	10.0	15.5	104.9	126.5	128.7	126.5	999.9
Ultra-Low-Sulfur Diesel	79.7	4.0	15.4	99.1	119.8	122.0	119.8	999.9

N.S. Reg. 47/2018

Made: March 22, 2018

Filed: March 27, 2018

Summary Offence Tickets Regulations—amendment

Order dated March 22, 2018**Amendment to regulations made by the Attorney General and Minister of Justice
pursuant to Section 8 of the *Summary Proceedings Act*****Order****Made under Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

I, Mark Furey, Attorney General and Minister of Justice for the Province of Nova Scotia, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, effective on and after the date of this Order, hereby amend the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, by repealing the designation of certain offences under the Town of Wolfville by-laws in the manner set forth in the attached Schedule “A”.

Dated and made March 22, 2018, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

sgd: *Mark Furey*

Honourable Mark Furey

Attorney General and Minister of Justice

Schedule “A”**Amendment to the *Summary Offence Tickets Regulations*
made by the Minister of Justice under Section 8
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

Schedule M-27 to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by Order of the Attorney General and Minister of Justice dated October 4, 2011, is amended by

- (a) repealing the heading “Smoke Free Indoor Public Places By-Law” and items 1 to 8 under that heading;
and
- (b) repealing the heading “Smoke Free Vehicles By-law” and item 1 under that heading.

N.S. Reg. 48/2018

Made: March 27, 2018

Filed: March 27, 2018

Proclamation, S. 28, S.N.S. 2016, c. 24—S. 4, 13, 21 to the extent that S. 21 enacts clause 42A(1)(c) of the *Maintenance Enforcement Act*, 23, 24, 26(2) and 27

Order in Council 2018-72 dated March 27, 2018

Proclamation made by the Governor in Council
pursuant to Section 28 of

An Act to Amend Chapter 6 of the Acts of 1994-95, the Maintenance Enforcement Act

The Governor in Council on the report and recommendation of the Attorney General and Minister of Justice dated February 6, 2018, pursuant to Section 28 of Chapter 24 of the Acts of 2016, *An Act to Amend Chapter 6 of the Acts of 1994-95, the Maintenance Enforcement Act*, and subsection 3(7) of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Sections 4, 13, 21 to the extent that Section 21 enacts clause 42A(1)(c) of the *Maintenance Enforcement Act*, 23 and 24, subsection 26(2) and Section 27 of Chapter 24 of the Acts of 2016, *An Act to Amend Chapter 6 of the Acts of 1994-95, the Maintenance Enforcement Act*, do come into force on and not before March 27, 2018.

PROVINCE OF NOVA SCOTIA

sgd: **Arthur J. LeBlanc**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 28 of Chapter 24 of the Acts of 2016, *An Act to Amend Chapter 6 of the Acts of 1994-95, the Maintenance Enforcement Act*, it is enacted as follows:

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

AND WHEREAS it is deemed expedient that Sections 4, 13, 21 to the extent that Section 21 enacts clause 42A(1)(c) of the *Maintenance Enforcement Act*, 23 and 24, subsection 26(2) and Section 27 of Chapter 24 of the Acts of 2016, *An Act to Amend Chapter 6 of the Acts of 1994-95, the Maintenance Enforcement Act*; [sic]

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Sections 4, 13, 21 to the extent that Section 21 enacts clause 42A(1)(c) of the *Maintenance Enforcement Act*, 23 and 24, subsection 26(2) and Section 27 of Chapter 24 of the Acts of 2016, *An Act to Amend Chapter 6 of the Acts of 1994-95, the Maintenance Enforcement Act*, do come into force on and not before March 27, 2018, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the Great Seal of
Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
Arthur J. LeBlanc, ONS, Q.C., Lieutenant Governor of
the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 27th day of March in the year of
Our Lord two thousand and eighteen and in the sixty-
seventh year of Our Reign.

BY COMMAND:

sgd: Honourable Mark Furey
Provincial Secretary
Attorney General and Minister of Justice

N.S. Reg. 49/2018

Made: March 27, 2018

Filed: March 27, 2018

Maintenance Enforcement Regulations—amendment

Order in Council 2018-73 dated March 27, 2018
Amendment to regulations made by the Governor in Council
pursuant to Section 61 of the *Maintenance Enforcement Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated February 6, 2018, pursuant to Section 61 of Chapter 6 of the Acts of 1994-95, the *Maintenance Enforcement Act*, is pleased to amend the *Maintenance Enforcement Regulations*, N.S. Reg. 40/96, made by the Governor in Council by Order in Council 96-137 dated March 5, 1996, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after March 27, 2018.

Schedule “A”

**Amendment to the *Maintenance Enforcement Regulations*
made by the Governor in Council under Section 61 of
Chapter 6 of the Acts of 1994-95, the *Maintenance Enforcement Act***

Section 6 of the *Maintenance Enforcement Regulations*, N.S. Reg. 40/1996, made by the Governor in Council by Order in Council 96-137 dated March 5, 1996, is repealed and the following Section substituted:

- 6 For the purpose of subsection 30(2) of the Act, 21 days from the date the payor receives a notice is prescribed as the time for the payor to make an arrangement satisfactory to the Director for complying with the maintenance order.

N.S. Reg. 50/2018 to 58/2018

Made: March 29, 2018

Filed: April 3, 2018

Regulations and repeal of regulations under the *Education Act* and *Education (CSAP) Act*

Order in Council 2018-104 dated March 29, 2018

Regulations and repeal of regulations made by the Governor in Council
pursuant to Section 98 of the *Education Act*
and Section 146 of the *Education (CSAP) Act*

The Governor in Council on the report and recommendation of the Minister of Education and Early Childhood Development dated March 28, 2018, is pleased, effective on and after April 1, 2018:

- (a) pursuant to Section 98 of Schedule A, the *Education Act*, to Chapter 1 of the Acts of 2018, the *Education Reform (2018) Act*, to
- (i) make regulations respecting the *Education Act* in the form set forth in Schedule “A” attached to and forming part of the report and recommendation,
 - (ii) make regulations respecting the naming of regional centres and designation of school regions in the form set forth in Schedule “B” attached to and forming part of the report and recommendation,
 - (iii) make regulations respecting teacher certification in the form set forth in Schedule “C” attached to and forming part of the report and recommendation; and
- (b) pursuant to Section 148 of Chapter 1 of the Acts of 1995-96, the *Education (CSAP) Act*, to repeal the following designations of regional school boards:
- (i) designation of the Strait Regional School Board, N.S. Reg. 34/2005, made by the Governor in Council by Order in Council 96-88 dated February 13, 1996,
[Subclause (b)(i) filed as N.S. Reg. 53/2018]
 - (ii) designation of the Annapolis Valley Regional School Board, N.S. Reg. 35/2005, made by the Governor in Council by Order in Council 96-187 dated March 26, 1996,
[Subclause (b)(ii) filed as N.S. Reg. 54/2018]
 - (iii) designation of the Cape Breton-Victoria Regional School Board, N.S. Reg. 36/2005, made by the Governor in Council by Order in Council 96-269 dated April 16, 1996,
[Subclause (b)(iii) filed as N.S. Reg. 55/2018]
 - (iv) designation of the Conseil scolaire acadien provincial, N.S. Reg. 38/2005, made by the Governor in Council by Order in Council 96-292 dated April 23, 1996,
[Subclause (b)(iv) filed as N.S. Reg. 56/2018]
 - (v) designation of the Halifax Regional School Board, N.S. Reg. 40/2005, made by the Governor in Council by Order in Council 96-583 dated July 31, 1996, and
[Subclause (b)(v) filed as N.S. Reg. 57/2018]
 - (vi) designation of the Chignecto-Central Regional School Board, N.S. Reg. 41/2005, made by the Governor in Council by Order in Council 96-584 dated July 31, 1996.
[Subclause (b)(vi) filed as N.S. Reg. 58/2018]

N.S. Reg. 50/2018

Governor in Council Education Act Regulations

Schedule "A"

**Regulations Respecting the *Education Act*
made by the Governor in Council under Section 98
of Schedule A, the *Education Act*, to Chapter 1 of the Acts of 2018,
the *Education Reform (2018) Act***

Citation

1 These regulations may be cited as the *Governor in Council Education Act Regulations*.

Definitions

2 In these regulations,

“Act” means the *Education Act*;

“classroom” means any area approved by the Minister for instructional purposes;

“substitute teacher” means a teacher or other qualified person engaged on a day-to-day basis to take the place of a person regularly employed as a teacher by an education entity;

“university” includes college.

Rate for determining minimum municipal contribution

3 For the purpose of clause 67(3) of the Act, the rate to be used to determine the minimum municipal contribution for an education entity is \$0.3048 per \$100 of the uniform assessment determined under the *Municipal Grants Act* for the municipalities served by the education entity.

School Attendance**Limiting age for public schools**

4 For the purpose of Section 6 of the Act, a child who turns 5 years old on or before December 31 in a year is deemed to be a person over the age of 5 years for the school year beginning in that year.

Attendance at school of enrollment

5 Every child in the Province who has attained the age of 6 years and has not attained the age of 16 years must, on every day in which school is in session, unless exempt under the Act and its regulations, attend the school in which the child is enrolled.

Additional exemptions from requirement to attend public school

6 (1) For the purposes of clause 33(2)(d) of the Act, in addition to the exemptions listed in clauses 33(2)(a) to (c) of the Act, a child is exempt from the requirement to attend a public school in any of the following circumstances:

(a) the child is temporarily unable to attend school for physical or mental health reasons or for other unavoidable causes, and evidence satisfactory to the education entity is provided by the child’s parent or a doctor when requested by the child’s teacher or school principal;

(b) the child is excused or prohibited from attending under the *Health Protection Act*.

- (2) The parent of a child exempted under subsection 33(2) of the Act from the requirement to attend public school is not required to cause the child to attend public school.

Powers, Duties and Responsibilities of Regional Centres

Certificate of exemption from attendance or certificate authorizing employment

- 7 (1) In this Section, “certificate” means either of the following:
- (a) a certificate exempting a student from attendance at school issued under clause 35(1)(a) of the Act;
 - (b) a certificate authorizing employment of a student during school hours issued under clause 35(1)(b) of the Act.
- (2) Before issuing a certificate, a regional centre must ensure that all of the following are met:
- (a) a parent of a student who is under 16 years of age has submitted a request for the certificate to the regional centre;
 - (b) the student is at least 15 years old;
 - (c) the staff of the regional centre have done all of the following:
 - (i) evaluated the circumstances related to the request,
 - (ii) examined alternatives to an exemption from attendance,
 - (iii) discussed the alternatives examined under subclause (ii) in detail with the student and the student’s parent;
 - (d) the regional centre is satisfied, after considering the results of the actions described in clause (c), that requiring the student to continue to attend school would not be beneficial to the student.
- (3) A certificate must include all of the following:
- (a) the full names and addresses of the student and their parents;
 - (b) the date of the student’s birth;
 - (c) the name of the school where the student is enrolled;
 - (d) the period for which the certificate is valid;
 - (e) for a certificate authorizing employment during school hours, the name of the employer.
- (4) A certificate must be signed by the regional executive director of the regional centre.
- (5) A copy of a certificate must be provided to each of the following:
- (a) the principal of the school where the student was enrolled at the time the certificate was issued;

- (b) the student;
 - (c) a parent of the student;
 - (d) for a certificate authorizing employment during school hours, the employer of the student.
- (6) An employer named in a certificate authorizing employment must notify the regional executive director of the regional centre within 5 days if the student does not work for the employer or ceases to work for the employer before the student's 16th birthday.
- (7) A student named in a certificate authorizing employment who does not work for the employer or ceases to work for the employer while still under 16 years of age must return to school and attend school as required by the Act and its regulations.

International student program

8 (1) In this Section,

“exchange program” means a reciprocal arrangement approved by the Minister whereby an international student attends a public school and a Nova Scotia student attends a school outside Canada;

“international student” means a person who enters Canada with the purpose of attending a public school, but does not include any of the following:

- (i) a person who is a Convention refugee or whose claim to Convention refugee status has been referred to the Refugee Protection Division as described in the *Immigration and Refugee Protection Act* (Canada),
- (ii) a person admitted to Canada under order of the Minister of Immigration, Refugees and Citizenship for Canada;
- (iii) a Canadian citizen, or a permanent resident of Canada as defined in the *Immigration and Refugee Protection Act* (Canada);
- (iv) a dependent of a properly accredited diplomat, consular officer, representative or official of the United Nations or any of its agencies, if the United Nations diplomat, consular officer, representative or official is residing in the Province;
- (v) a dependent of a representative of a foreign government sent by that government to take up duties with a provincial or federal agency under an exchange agreement with Canada;
- (vi) a dependent of a person in possession of a valid and subsisting student authorization,
- (vii) a person who enters Canada under an exchange program;

“international student program” means a program of courses designed to be provided by a regional centre to international students at a cost to the international students, in accordance with this Section.

- (2) With the approval of the Minister, a regional centre may provide an international student program.

- (3) An international student program must consist of the public school program, courses approved in accordance with the public school program, and integration and settlement services, excluding residency services.
- (4) A regional executive director requesting approval of an international student program must submit a proposal to the Minister detailing the particulars of the program including the courses, activities and services to be provided for international students, and the estimated costs.
- (5) An international student admitted by a regional centre under Section 7 of the Act must be enrolled in a public school within the school region of the regional centre, in either of the following:
 - (a) the public school program;
 - (b) an international student program.
- (6) A regional centre that admits an international student in accordance with subsection (5) may charge the international student a fee as determined by the Minister.

Transportation of students

- 9** A regional centre must provide for the transportation of students within its school region, either by providing the service itself or arranging for a person to provide the service, if 1 of the following applies and the regional centre determines that transportation of the students is necessary:
- (a) 1 or more students reside more than 3.6 km from the school to which they are to be transported;
 - (b) 1 or more students, because of special needs, require transportation irrespective of the distance.

Paying for the boarding of students

- 10** A regional centre must pay for the boarding of a student attending a school if all of the following apply:
- (a) the school is a public school;
 - (b) the regional centre approved the student's enrollment at the school;
 - (c) the regional centre considers it impracticable to convey the student to the school that the student would normally attend or in which the student is enrolled;
 - (d) the regional centre considers the boarding costs to be reasonable.

Adult education programs

- 11 (1)** A regional centre may provide adult education programs that have as their purpose 1 or more of the following:
- (a) to provide adult basic education;
 - (b) to provide academic upgrading and public school program credit courses;
 - (c) to provide vocational and technical upgrading;
 - (d) to provide programs of instruction in English as a second language or French as a second language;

- (e) to provide continuing education programs and courses.
- (2) A regional centre may provide for awarding appropriate credits, certificates, diplomas or other recognition of skill or accomplishment in programs as approved by the Minister.
- (3) A regional centre may appoint 1 or more individuals to administer an adult education program, including, if the program includes them, organizing and supervising continuing education programs and courses.

Teaching aids and materials

- 12** A regional centre must provide teaching aids, materials and supplies, and repair and maintain equipment required to conduct the public school program and related services in classrooms, school libraries, laboratories, music rooms, audio-visual rooms, gymnasiums and auditoriums, and other areas in which the program or portions of the program are conducted.

School Buildings and Site Selection

Evaluating and reporting on state of buildings and equipment

- 13** (1) A regional centre must, at least annually, determine whether the buildings used for school purposes, and the equipment in them, are adequate to provide for the students to be enrolled in the ensuing school year or years.
- (2) Each regional executive director must report at least annually to the Minister
- (a) the extent to which it is necessary to erect, acquire, purchase, alter, add to, improve, furnish or equip buildings, or to acquire land, for school purposes or barrier-free access;
 - (b) the extent to which the cost may be provided from the regional centre's annual budget for capital expenditure, repair and renovation, including any accumulated surplus.

Construction of school by Province

- 14** (1) In this Section,

“existing site” means the site of an existing public school building being replaced.

- (2) Subject to subsection (3), after receiving approval from the Minister in principle of a capital project for the construction of a new public school building by the Province, a regional executive director must
- (a) recommend 3 proposed sites for the building to the Minister; or
 - (b) if unable to recommend 3 proposed sites for the building under clause (a), recommend fewer than 3 sites and submit to the Minister in writing the reasons why it [the regional executive director] is unable to recommend 3 proposed sites.
- (3) If a new public school building is replacing 1 or more existing public school buildings, a regional executive director's recommendation under subsection (2) must include
- (a) a recommendation for at least 1 of the existing sites; or
 - (b) if not recommending at least 1 of the existing sites under clause (a), written reasons why the regional executive director does not recommend any of the existing sites.

- (4) On receipt of a regional executive director's site recommendations for a new public school building, the Minister may do 1 of the following:
- (a) if at least 1 of the existing sites is included in the recommendations in accordance with clause (3)(a),
 - (i) accept the 3 sites recommended, or
 - (ii) if fewer than 3 sites are recommended,
 - (A) accept the reasons provided by the regional executive director under clause (2)(b) for not recommending 3 sites, and accept the sites recommended, or
 - (B) reject the reasons provided by the regional executive director under clause (2)(b) for not recommending 3 sites, and request that the regional executive director recommend 3 sites ~~required~~ as required by clause (2)(a);
 - (b) if at least 1 existing site is not included in the recommendation in accordance with clause (3)(b),
 - (i) accept the reasons provided by the regional executive director under clause (3)(b) for not including at least 1 of the existing sites, and either
 - (A) accept the 3 sites recommended, or
 - (B) if fewer than 3 sites are recommended,
 - (I) accept the reasons provided by the regional executive director under clause (2)(b) for not recommending 3 sites, and accept the sites recommended, or
 - (II) reject the reasons provided by the regional executive director under clause (2)(b) for not recommending 3 sites, and request that the regional executive director recommend 3 sites as required by clause (2)(a), or
 - (ii) reject the reasons provided by the regional executive director under clause (3)(b) for not including ~~at~~ [at] least 1 of the existing sites, and request that the regional executive director include at least 1 of the existing sites in ~~its~~ [the regional executive director's] recommendations under subsection (2).
- (5) If the Minister accepts a recommendation under subsection (4), the Minister must refer the recommended sites for a new public school building to the Department of Transportation and Infrastructure Renewal and that department must evaluate the sites and recommend the most appropriate site to the Minister.
- (6) If, after its evaluation under subsection (5), the Department of Transportation and Infrastructure Renewal does not recommend any of the sites for a new public school building, the Minister must select a site on the advice of the Department of Transportation Infrastructure Renewal and in consultation with the regional executive director.

Construction of school by private sector developer

- 15 (1) In this Section,

“private sector developer” means a person, or association of persons, including a joint venture or a limited partnership, other than the Province or an education entity, who agrees with the Province to construct a school.

- (2) If the Minister considers it advisable to have a school under the jurisdiction of a regional centre constructed by a private sector developer,
 - (a) the Minister must notify the regional executive director of the approval in principle of a capital project involving the acquisition of land;
 - (b) the regional executive director must, upon receipt from the Minister of approval in principle, recommend 3 proposed sites for the project;
 - (c) the private sector developer must inspect the sites and, with the agreement of the regional executive director, recommend the most appropriate site to the Minister; and
 - (d) the Minister must decide whether to accept the recommendation.
- (3) If the Minister accepts a recommendation from a private sector developer under subsection (2), the Minister must select the recommended site.
- (4) If the Minister does not accept a recommendation from a private sector developer under subsection (2) but still considers it advisable to have a school constructed by a private sector developer, the site recommendation and decision process must be repeated in accordance with this Section until the Minister selects a recommended site or the Minister no longer considers it advisable to have a school constructed by a private sector developer.

Professional Instructional Staff of Education Entities

Assigning teacher for course

16 Each education entity must, subject to any agreements between the education entity and the Nova Scotia Teachers' Union under the *Teachers' Collective Bargaining Act*, assign, for a course prescribed in the public school program and for each additional course or service provided by the education entity, a teacher holding a teacher's certificate or teacher's permit issued under the Act.

Department heads

17 If at least 4 teachers are teaching at least 60% of teaching time in the subject, an education entity may appoint a Department Head for any of the following subjects: business education, English, French, student services, family studies, industrial arts technology, fine arts, mathematics, modern and classical languages, music, physical education, science, social studies.

Teacher professional development

- 18** (1) Every teacher who has a probationary or permanent contract with an education entity must
- (a) complete 100 contact hours of professional development every 5 years commencing September 30, 2000; and
 - (b) maintain, and submit annually on or before September 30 of each year, a professional development profile.
- (2) An education entity must include the teacher's professional development profile in the teacher's personnel file.

Nova Scotia Instructional Leadership Program

- 19 (1)** In this Section, “Nova Scotia Instructional Leadership Program” means the instructional leadership program provided by the Minister under clause 10(k) of the Act.
- (2)** The Nova Scotia Instructional Leadership Program must include all of the following:
- (a) at least 6 courses, each of which must include at least 36 hours of classroom instruction and 36 hours of inquiry-based practice;
 - (b) instruction in best practices in all of the following:
 - (i) instruction and assessment,
 - (ii) instructional design,
 - (iii) coaching and supervision skills,
 - (iv) using data for instructional and school improvement,
 - (v) developing a community of practice.

Teaching Service**Application of Sections 21 to 26**

20 Sections 21 to 26 do not apply to a substitute teacher.

Teaching service days during period when school closed

- 21 (1)** For the purpose of determining the service of a member of the instructional staff in any school year, the following periods are reckoned as days taught, and a teacher must not suffer a loss in salary if the teacher does not teach on a school day when a school is closed by
- (a) an order of the Minister or the Minister’s representative;
 - (b) an order of an education entity or its representative in consultation with the Department;
 - (c) an order of another proper authority made
 - (i) under a statute of the Legislature or its regulations, or
 - (ii) as a result of a declaration by Her Majesty the Queen, the Governor General or the Lieutenant Governor.
- (2)** Failure of an education entity to consult the Department under clause (1)(b) must not result in a loss of salary or benefits to a teacher if the school is closed by order of the education entity.

Teaching service days during period when teacher absent with education entity approval

- 22** For the purpose of determining the service of a member of the instructional staff in any school year, the following periods are reckoned as days taught, and a teacher must not suffer a loss in salary if the teacher does not teach on a school day when absent with the approval of the education entity
- (a) because the teacher is attending meetings called at the direction of the Minister;

- (b) for no longer than 2 days while attending a professional conference or institute or meeting not called at the direction of the Minister, but only if the professional conference or institute or meeting has the approval of the Director of Regional Education Services;
- (c) because the teacher is attending meetings of government-appointed committees or commissions;
- (d) when the teacher is acting in an official capacity as a representative of the Nova Scotia Teachers' Union, but only if reasonable notice is given by the teacher, and, if operational requirements permit, the education entity must not unreasonably withhold its approval;
- (e) because the teacher is writing examinations to improve the teacher's professional status;
- (f) because the teacher is engaged in part-time employment with the Province in a professional capacity;
- (g) because the teacher is attending convocation exercises, if the teacher is included in the graduation list;
- (h) because the teacher is a witness before a quasi-judicial body, but only if reasonable notice is given by the teacher, and, if operational requirements permit, the education entity must not unreasonably withhold its approval;
- (i) because the teacher is conducting in-service programs;
- (j) for no longer than 5 days in any school year, if the teacher is absent because of a death or serious illness in the teacher's immediate family or the immediate family of the teacher's spouse;
- (k) because the teacher is attending education conferences outside the Province.

Teaching service days during other periods when teacher absent

23 (1) For the purpose of determining the service of a member of the instructional staff in any school year, the following periods are reckoned as days taught, and a teacher must not suffer a loss in salary if the teacher does not teach on a school day when the teacher is absent

- (a) because the teacher has been placed in quarantine, or another situation in which the teacher is advised by a medical practitioner or medical officer to leave the teacher's teaching duties and leave is not provided under any sick leave or other leave provisions;
- (b) on a day of a civic, town, municipal, Provincial, or federal election when time for voting is required by the teacher because the teacher's name is on the voters' list of a polling district other than the one in which the teacher teaches and the teacher cannot reasonably vote after school hours;
- (c) because the teacher is on jury duty or a witness before a judicial body;
- (d) because the teacher is attending to the teacher's official duties as a member of the Board of Governors, Senate, or Academic Council of an approved university or college in Nova Scotia;
- (e) subject to subsections (2) and (3), for no longer than the total number of consecutive teaching days in a period of 2 school years from the date of an injury during which the teacher is on leave and does not teach because the teacher was injured in the performance of their duties,

those duties having been approved by an education entity or its representative, and the teacher furnishes the board with a medical certificate that the teacher is unable to teach during this period.

- (2) The amount of salary payable to a teacher for days reckoned under clause (1)(e) as days taught is reduced by any amount paid to the teacher under any disability or liability insurance settlement towards which the education entity contributes premiums.
- (3) Clause (1)(e) ceases to be effective and the teacher is disqualified from further salary benefits under that clause if, during the leave, the teacher engages in other remunerative employment without the approval of the education entity.
- (4) A teacher to whom clause (1)(e) applies who is unable to resume teaching duties after the 2-year period referred to in that clause is entitled to use sick leave entitlement.
- (5) For the purposes of clauses (1)(a) and (e), an education entity may require a teacher to be examined by a medical practitioner agreeable to both the teacher and the education entity.

Teaching service days during sick leave

- 24** (1) Subject to subsection (2), for the purpose of determining the service of a member of the instructional staff in any school year, school days on which a teacher is absent and does not teach because of the illness of the teacher are reckoned as days taught, and a teacher must not suffer a loss in salary for being absent on those days.
- (2) Reckoning the number of days taught for a teacher who is absent because of illness as described in subsection (1) is subject to the following:
- (a) except as provided in clause (c), no more than 20 days may be reckoned as days taught;
 - (b) if a teacher is employed full time for a period that is stated to be less than a school year, the number of days reckoned as days taught must not exceed the proportion of 20 days that is equal to the proportion that the number of days contracted to be taught bears to the number of days in the school year;
 - (c) despite clauses (a) and (b), if an education entity has in effect a cumulative sick leave plan that has been approved by the Minister, any time not exceeding the number of days in a school year that a teacher does not teach while on sick leave under the plan are reckoned as days taught.

Teaching service days during paternity leave

- 25** For the purpose of determining the service of a member of the instructional staff in any school year, the following periods are reckoned as days taught, and a male teacher must not suffer a loss in salary if the teacher does not teach when absent on the occasion of the birth of his child
- (a) for 1 school day or less; or
 - (b) for 2 periods on separate school days totalling no more than 1 day.

Teaching service days during adoption leave

- 26** (1) For the purpose of determining the service of a member of the instructional staff in any school year, the following periods are reckoned as days taught, and a teacher who is an adoptive parent must not suffer a loss in salary if the teacher does not teach for no more than 5 school days

- (a) at the beginning of the period in which an adopted child who is not eligible to attend school comes into full care of the teacher; or
 - (b) during a period when both adoptive parents are required to be present as a condition of adoption.
- (2) If both parents of an adopted child are teachers, subsection (1) applies to only 1 of the parents, except that a period of no longer than 1 day or 2 half days may be claimed by the other parent when both parents are required to be present as a condition of adoption.

Experience included in public school service

- 27 (1) For the purpose of computing the experience of a teacher to determine the salary applicable to the teacher under the provisions of a collective agreement between the Minister and the Nova Scotia Teachers' Union, the following is considered service in the public schools:
- (a) all service recognized under Sections 21 to 25 and subsection 26(1);
 - (b) service as a substitute teacher;
 - (c) service by a person holding a teacher's certificate and who is employed by an education entity under a probationary, permanent or term contract under a collective agreement between the Minister and the Nova Scotia Teachers' Union;
 - (d) time spent on active service by a certified teacher as a member of the armed forces of Her Majesty or of an ally of Her Majesty or as a member of a Special Force of the United Nations;
 - (e) time spent as a teacher in the Nova Scotia Residential Centre, Truro, or the Shelburne Youth Centre, Shelburne, or in a resource centre established and operated pursuant to the *Atlantic Provinces Special Education Authority Act*, the Halifax School for the Blind, the School for the Deaf, Halifax, or the Interprovincial School for the Education of the Deaf;
 - (f) service as a teacher in public schools in any part of the Commonwealth outside the Province;
 - (g) service as a teacher in public schools recognized by the Minister that are outside the Commonwealth;
 - (h) service as a teacher or instructor in an educational institution approved by the Minister and operated by the Government of New Brunswick, the Government of Prince Edward Island or the Government of Newfoundland and Labrador to the extent that similar service in an educational institution operated by the Government of the Province is recognized for salary purposes in the Province of New Brunswick, Province of Prince Edward Island or Province of Newfoundland and Labrador;
 - (i) service as an instructor in a university recognized by the Minister in any part of the Commonwealth, or in any country under a plan approved by the Government of Canada;
 - (j) effective on and after July 31, 1974, service in the Province of Ontario as a teacher or instructor in a community college or college of applied arts and technology recognized by the Minister;
 - (k) a period of no longer than 2 years during which a person holding a teacher's certificate was absent from teaching before August 1, 1972, for the purpose of taking additional study or training of a duration of at least 1 academic year or the equivalent in each year, in subjects

- related to education, but only if, in the judgment of the Minister, the person completed the study and training in a satisfactory manner;
- (l) a period of no longer than 2 years during which a person holding a teacher's certificate and who was employed by an education entity for at least 1 year, is absent from teaching
 - (i) as a result of a medical examination prescribed under these regulations, or
 - (ii) for the purpose of taking additional study or training of a duration of at least 1 academic year or the equivalent in each year, in subjects related to education, but only if, in the judgement of the Minister, the person completed the study and training in a satisfactory manner;
 - (m) service in the public service of the Province as a teacher or in a professional capacity related to education;
 - (n) no more than 10 years of service as a teacher in a private school approved by the Minister, but only if the teacher, while teaching in the private school, held a teacher's certificate or subsequently obtained a teacher's certificate;
 - (o) no more than 2 years of service as a teacher under an arrangement with Canadian University Service Overseas, but only if
 - (i) the teacher, while teaching under the arrangement, held or was qualified to hold a teacher's certificate, and
 - (ii) the teaching employment is certified in a manner satisfactory to the Minister;
 - (p) service in the employ of the Nova Scotia Teachers' Union as a full-time paid officer of the Union;
 - (q) time during which a teacher, with the consent of an education entity, attends and actively participates in a national sports competition in Canada, a Commonwealth sports competition or an international sports competition, if the teacher was selected by a duly constituted and recognized Provincial or national sports governing body to represent the Province or Canada in the sports competition as a member of an official delegation;
 - (r) time during which a teacher is absent from teaching duties while attending to official duties as a member of the House of Assembly, an education entity, or the council of a municipality, city or town;
 - (s) a period of no longer than 4 weeks when a teacher is absent immediately following an absence described in clause 26(1)(a).
- (2) In clauses (1)(f) and (g), "public schools" means primary or secondary schools established and maintained at public expense as part of a system of free public education.
- (3) For the purpose of computing the experience of a teacher in order to determine the salary applicable to the teacher only for the salary period beginning August 1, 2003, under the provisions of a collective agreement between the Minister and the Nova Scotia Teachers' Union, service before and after August 1, 2003, as an instructor holding a teacher's certificate in an adult high school in the Province that continuously offered a Nova Scotia High School Graduation Diploma or a Nova

Scotia High School Graduation Diploma for Adults during the period of service, is considered service in the public schools.

- (4) To determine a teacher's experience for salary increments for a school year, the teacher's total service as of August 1 of the academic school year in which the teacher applied for the recognition of service and submitted all of the required documentation must be taken and must not be revised until the beginning of the next academic school year.
- (5) Despite subsection (4), if a teacher with partial years' service completes the requirements as set forth in subsections (7) or (8) before January 1 of any school year, the teacher may apply in writing to the Department for revision for increment purposes effective January 1 and, if the requirements are met, the teacher may apply annually for this revision.
- (6) If the total number of days taught by a teacher and reckoned as taught under this Section is equal to at least 175 days in the period January 1 to December 31, 1981, and in any calendar year after that, and the teacher is not eligible to receive a salary increment in August of the same calendar year, this service is deemed to be a whole year for increment purposes and upon application in each year the teacher is eligible for an increment revision effective January 1 in the next calendar year.
- (7) In computing the number of years of a teacher's service, any school year before August 1, 1958, in which the teacher was engaged in teaching for 180 days or more, including days deemed as claimable days, counts as 1 school year, but if a teacher was engaged in teaching for less than 180 days, including days deemed claimable days in 2 or more years, the number of school years that may be counted is the whole number in the quotient of the total number of days on which the teacher was so engaged in such years, divided by the prescribed number of days in the school year in which the service was rendered.
- (8) In computing the number of years of a teacher's service for the purpose of these regulations, any school year beginning on or after August 1, 1958 in which the teacher was engaged in teaching for 175 days or more, including days reckoned under this Section, counts as 1 school year, but if a teacher is or has been engaged in teaching for less than 175 days, including days reckoned under this Section, in any years of 2 or more school years beginning on or after August 1, 1958, the number of school years that may be counted is the whole number in the quotient of the total number of days on which the teacher was so engaged in such years, divided by the number of days constituting a school year under the regulations of the Minister in the school year or years in which the teacher was so engaged.

Number of hours deemed teaching or service day

- 28** (1) For a person engaged otherwise than full time as a teacher, 4 hours of teaching or providing services is deemed to constitute a day of teaching or providing service.
- (2) Despite subsection (1), if a person engaged otherwise than full time as a teacher provides teaching or services for more than 4 hours on any day, the additional time is not deemed to constitute teaching time or time providing service on any other day.

Determining number of consecutive school days taught by substitute teacher

- 29** A day on which school has been closed by order of the Minister, an education entity or its representative, or another proper authority, is deemed to be a school day for the purpose of determining the number of consecutive school days taught by a substitute teacher.

Salary for substitute teacher on school closure day

30 If a substitute teacher is engaged by an education entity or on behalf of an education entity attends a school and, without notice to the substitute teacher, the school is closed because of weather conditions or another unforeseen cause, the substitute teacher must be paid one-half of a day's salary.

Home Education**Definitions for Act**

- 31 (1)** In clause 83(4)(a) of the Act, "standardized test" means a nationally or internationally recognized achievement test given under standard conditions to measure the level of academic achievement of individual students.
- (2)** In clause 83(4)(b) of the Act, "qualified assessor" means a person, other than a parent of the child whose educational progress is being assessed, whose area of expertise relating to assessing educational progress includes students within the age range of the child and who is
- (a) a teacher;
 - (b) a person holding a teacher's certificate issued by the Minister; or
 - (c) a faculty member of an education faculty of a university in the Province that trains teachers,
- (3)** In clause 83(4)(c) of the Act, "portfolio of the child's work" means a representative, multi-curricula selection of the child's work performed over a period of time, selected for the purpose of assisting the Minister in assessing the child's progress and achievement.
- (4)** In subsection 83(5) of the Act, "independent assessor" has the same meaning as "qualified assessor" as defined in subsection (2).

Registering child for home education

- 32 (1)** A parent providing a home education program who registers a child for each school academic year with the Minister under clause 83(2)(a) of the Act, must,
- (a) if registering the child for a full school academic year, submit the registration to the Minister on or before September 20 of the school academic year in which the parent wishes to provide the program; or
 - (b) if registering the child for less than the full school academic year, submit the registration to the Minister before beginning the home education program.
- (2)** A registration submitted under subsection (1) must be in a form approved by the Minister and must include,
- (a) if the child has previous public school experience, the last grade level attained;
 - (b) if the child has previous home education experience, the program level of achievement and estimated equivalent public school grade level; and
 - (c) identification of the proposed home education program.

Reporting child's home education progress

33 A progress report required by clause 83(2)(b) of the Act to be submitted by the parent of a child in a home education program must be provided to the Minister

- (a) at least once a year in June of the school academic year in which the child takes the home education program; and
- (b) in a manner consistent with the type of program provided and that accurately reflects the child's progress.

Administering assessment instrument

34 An assessment instrument authorized by the Minister through which a child in a home education program is assessed under subsection 83(6) of the Act must be

- (a) administered to the child by an education entity at the same time and under the same conditions as it is administered to public school students; and
- (b) taken by the child with age-alike or grade-alike public school students.

Private Schools**Applying for recognition of private school program of studies**

35 (1) A private school applying to have the school's program of studies recognized by the Minister under Section 87 of the Act as meeting the requirements for a high school leaving certificate must submit all of the following information to the Minister:

- (a) the name of the persons or body owning the school;
 - (b) the name of the school;
 - (c) the location of the school;
 - (d) the names of the operators of the school; and
 - (e) the number of students enrolled in the school on September 30 of the year the application is made.
- (2)** An application for recognition of a private school program must be made on or before October 31 of the school year preceding the school year for which the application is made.

Application must include detailed description of program

36 An application for recognition of a private school program under Section 87 of the Act must include a detailed description of its program of studies, including all of the following:

- (a) a description of the compulsory and elective courses offered from the public school program;
- (b) a description of courses offered that are different from the courses set out in the public school program;
- (c) a description of how the compulsory and elective credit requirements specified in the public school program are met by the private school's program of studies.

Minister may recognize private school courses

37 (1) The Minister may, at the request of a private school, recognize courses offered by a private school that are different from the courses offered in the public school program.

- (2) A private school that requests recognition of its courses under this Section must provide all of the following information to the Minister:
- (a) a statement of the philosophy, outcomes, content, scope and sequence of each course;
 - (b) the list of major learning resources for each course approved by the governing body of the school;
 - (c) a description of how the courses contribute to the public school program high school leaving requirements;
 - (d) the number of hours of instruction for each course;
 - (e) Provincial course coding equivalents for all courses and programs;
 - (f) an outline of instructional strategies used;
 - (g) an outline of evaluation strategies and procedures.

Minister's considerations

38 In determining whether to recognize the program of studies of a private school, the Minister may consider

- (a) whether the compulsory and elective courses from the public school program offered by the private school meet the requirements for a high school leaving certificate;
- (b) whether the courses referred to in Section 37 are reasonably equivalent to the compulsory and elective courses from the public school program that meet the requirements for a high school leaving certificate;
- (c) whether the qualifications of the teachers of the courses are to the satisfaction of the Minister in accordance with Section 41.

Term of recognition of private school program

39 (1) Recognition by the Minister of a private school's program of studies is valid for a term as determined by the Minister, which must not exceed 3 years.

- (2) A private school may reapply to the Minister for recognition of its program of studies.
- (3) A reapplication under subsection (2) must not be made sooner than 6 months before or later than 5 months before the end of the term of the recognition.

Private school records required

40 (1) A private school that receives recognition under Section 87 of the Act must keep records of student enrolment and student progress and any other statistical information required by the Minister in a form acceptable to the Minister.

- (2) A student record in a private school means the Student Cumulative Record Card or an equivalent approved by the Minister.
- (3) Student records kept by a private school must be maintained and not destroyed.

Qualifications of private school teachers

41 A private school making an application for recognition under Section 87 of the Act must demonstrate, to the satisfaction of the Minister, that each teacher assigned to teach the high school program of studies at the school

- (a) is eligible for teacher certification in Nova Scotia;
- (b) holds a teacher's certificate from another Canadian jurisdiction; or
- (c) has subject matter and pedagogical expertise satisfactory to the Minister.

Attendance at private school

42 A child enrolled in a private school must attend the school during the time required by the rules and regulations of the school.

Designated Special Education Private Schools**Definitions**

43 In this Section and Sections 44 to 46,

“adaptations plan”, in respect of a student, means a documented plan for achieving the curriculum outcomes of the public school program that accommodates the specific learning needs of the student;

“designated special education private school” means a special education private school designated under Section 44 or continued under Section 45;

“funded student” means a student for whom a funding unit has been granted under subsection 56(1);

“funded student's education entity” means the regional centre with jurisdiction over the school region in which a parent of a funded student resides on September 30 in a school year or, in the case of the child of an entitled parent enrolled in the French-first language program, the Conseil;

“funding unit” means an amount of money

- (i) calculated in accordance with Section 57, and
- (ii) payable for tuition fees for a school year at a designated special education private school or a registered special education private school;

“individualized program plan”, in respect of a student for whom the curriculum outcomes of the public school program are not applicable or attainable, means a documented plan for achieving annual and specific individualized outcomes instead of the curriculum outcomes of the public school program that accommodates the learning strengths and challenges of the student;

“extra-Provincial private educational institution” means an educational institution that is located outside of the Province and is not publicly funded;

[Definition order as in original.]

“registered special education private school” means a special education private school registered under Section 49;

“resident” means a person who resides in the Province as a Canadian citizen or permanent resident as defined by the *Immigration and Refugee Protection Act* (Canada);

“Reviewer” means the Reviewer appointed under subsection 53(1) to review applications for funding units or supplements under these regulations;

“student with special needs” means a student with attention deficit hyperactivity disorder (ADHD), autism spectrum disorder (ASD) or a learning disability (LD), as diagnosed by 1 of the following:

- (i) a licensed physician,
- (ii) a registered psychologist or candidate registered psychologist with expertise and training in making the diagnosis;

“special education private school” means a private school or extra-Provincial private educational institution that offers and delivers educational programs and services to meet the needs of students with special needs only, and includes a natural person, an association of natural persons, a partnership or a corporation;

[Definition order as in original.]

“supplement” means an amount of money, calculated in accordance with Section 60, that is payable in addition to a funding unit for tuition fees for a school year at a designated special education private school or a registered special education private school;

“transition plan”, in respect of a student, means a documented plan for achieving annual and specific individualized outcomes to enable the student to transition from a designated special education private school or a registered special education private school to a public school or post-secondary educational institution, that accommodates the learning needs of the student;

“Tuition Appeal Board” means the Tuition Appeal Board appointed under subsection 65(1) to hear appeals of decisions in accordance with Section 66;

“tuition support funding” means either

- (i) a funding unit, or
- (ii) a funding unit and a supplement.

Designation as designated special education private school

- 44 (1)** A private school that is a special education private school that has been in operation for at least 1 year may apply to the Minister, in the manner and form required by the Minister, for designation or renewal of its designation as a designated special education private school.
- (2)** The Minister may designate a private school that applies under subsection (1) as a designated special education private school if the Minister is satisfied that the school meets all of the following requirements:
- (a) each individual employed on the school’s teaching staff
 - (i) holds a teacher’s certificate issued by the Minister, and
 - (ii) has demonstrated qualifications or competencies to teach students with special needs;

- (b) the school follows the public school program;
 - (c) the school has rules and procedures in place for disciplining, suspending and expelling students that incorporate the principles of natural justice and procedural fairness and accord with the policies and procedures made by the Minister;
 - (d) the school is not insolvent, as defined in subsection (3);
 - (e) the school maintains the financial security required by the Minister, including a fidelity bond;
 - (f) the school maintains a general liability insurance policy or other form of indemnification in an amount determined by the Minister and on the terms and conditions determined by the Minister;
 - (g) the school has measures in place, similar to those followed by education entities, to ensure the safety of students and protect the students from harm from its employees or other students;
 - (h) the school is not affiliated with a religious faith or denomination, and is either
 - (i) recognized as a non-profit organization under the *Income Tax Act* (Canada), or
 - (ii) registered as a charitable organization under the *Income Tax Act* (Canada).
- (3) In clause (2)(d), “insolvent” means any of the following:
- (a) unable, for any reason, to meet financial obligations as they become due;
 - (b) unable to pay financial liabilities in the course of business as those liabilities become due;
 - (c) unable to meet financial obligations due and accruing because the aggregate of its property
 - (i) is not, at a fair value, sufficient to pay all the financial obligations that are due or accruing, or
 - (ii) if disposed of at a fairly conducted sale, would not be sufficient to pay all the financial obligations that are due and accruing.
- (4) A designation made under this Section is valid for 2 years unless suspended or revoked under Section 47.

Continuation of designations made before August 15, 2011

45 A private school designated under regulations as a designated special education private school on or before August 15, 2011, is deemed to be designated in accordance with Section 44 and the designation remains valid until the expiry date of the designation unless suspended or revoked under Section 47.

Refusal of designation

46 The Minister may refuse to designate or renew the designation of a private school that applies under subsection 44(1) for any of the following reasons:

- (a) the information supplied in the application is incomplete;
- (b) in the Minister’s opinion, the school does not meet the requirements of subsection 44(2).

Suspension or revocation of designation

47 The Minister may suspend or revoke a designation of a designated special education private school if, in the Minister's opinion, the school fails to meet the requirements of Section 48.

Ongoing obligations and monitoring of designated school

- 48 (1) A private school designated as a designated special education private school must continue to meet the requirements in subsection 44(2) and do all of the following:
- (a) at the request of the Minister, provide proof of the school's compliance with subsection 44(2);
 - (b) report annually to the Minister on the types of interventions and instructional strategies that the school uses to meet the needs of funded students enrolled at the school;
 - (c) for each funded student enrolled at the school during a school year,
 - (i) develop and implement an individualized program plan or an adaptations plan for the school year,
 - (ii) at the end of the school year, provide the Minister with a copy of an annual report for the school year, as set out in subsection (2),
 - (iii) meet with the funded student's education entity at least 2 times during the school year to explain and share documented evidence of the funded student's progress and achievements,
 - (iv) conduct provincial assessments and examinations at the request of the Minister;
 - (d) develop a transition plan with the funded student's education entity for each funded student who intends to
 - (i) return to a public school or a publicly funded school the following school year, or
 - (ii) pursue post-secondary studies the following school year.
- (2) The annual report required by clause (1)(c)(ii) must include all of the following for the funded student:
- (a) a record of academic progress for the school year;
 - (b) an attendance record for the school year;
 - (c) an individualized program plan or an adaptations plan for the school year.

Application for registration as registered special education private school

- 49 (1) An extra-Provincial private educational institution that is a special education private school that has been in operation for at least one year may apply to the Minister, in the manner and form determined by the Minister, for registration or renewal of its registration as a registered special education private school.
- (2) The Minister may register an extra-Provincial private educational institution that applies under subsection (1) if the Minister is satisfied that the school meets the requirements of clauses 44(2)(a) to (h) and all of the following requirements:

- (a) each individual employed on the school's teaching staff
 - (i) holds a teacher's certificate from the teacher certification authority of the jurisdiction where the extra-Provincial private educational institution is located, and
 - (ii) has demonstrated qualifications or competencies to teach students with special needs;
 - (b) the school follows the equivalent of the public school program;
 - (c) the school offers French-first-language programs and services for students with special needs.
- (3) A registration made under this Section is valid for 2 years unless suspended or revoked under Section 51.

Refusal of registration

50 The Minister may refuse to register or renew the registration of an extra-Provincial private educational institution that applies under Section 49 for any of the following reasons:

- (a) the information supplied in the application is incomplete;
- (b) in the Minister's opinion, the applicant does not meet the requirements of subsection 49(2).

Suspension or revocation of registration

51 The Minister may suspend or revoke a registration made under Section 49 if, in the opinion of the Minister, the registered school fails to meet the requirements of Section 52.

Ongoing obligations and monitoring of registered school

52 A registered special education private school must continue to meet the requirements in subsection 49(2) and do all of the following:

- (a) at the request of the Minister, provide proof of the school's compliance with subsection 49(2);
- (b) comply with the ongoing requirements for a designated school in subsection 48(1).

Reviewer

- 53** (1) The Minister must appoint a person who has recognized professional qualifications and experience in working with students with special needs to serve as the Reviewer.
- (2) The Reviewer holds office for 2 years and may not be reappointed.
- (3) The Reviewer may be paid any remuneration and reimbursement of expenses that the Governor in Council determines.
- (4) The Reviewer must issue an annual report and provide a copy of the report to the Minister.
- (5) If the person appointed as Reviewer resigns office or retires, or if their term of office expires or is terminated, that person maintains jurisdiction as Reviewer over any application, matter or thing required to be determined by the Reviewer, including the power to complete any unfinished matter and give a decision in that matter as if the Reviewer had not resigned or retired or their term of office had not expired or been terminated.

Eligibility for applying for funding unit

- 54 (1)** A student is eligible to apply for a funding unit for a school year at a designated special education private school if all of the following criteria are met:
- (a) the student is a student with special needs and has received or is offered an individualized program plan for the following school year;
 - (b) the student was a student at a publicly funded school during a previous school year;
 - (c) the student has secured a placement at the school any time during the school year for which the funding unit is sought;
 - (d) on the date of enrolment in the school,
 - (i) the student is or will be a resident of the Province, and
 - (ii) a parent of the student is or will be a resident of the Province.
- (2)** A student is eligible to apply for a funding unit for a school year at a registered special education private school if all of the following criteria are met:
- (a) the student is a student with special needs and has received or is offered an individualized program plan for the following school year;
 - (b) the student was a student at a publicly supported school in Canada that offered French-first-language programs and services to the student during a previous school year;
 - (c) the student has secured a placement at the school any time during the school year for which the funding unit is sought;
 - (d) on the date the application is made, the student is a resident of the Province;
 - (e) the student is entitled to be provided a French-first-language program of the Conseil under Section 12 of the *Education (CSAP) Act*.

Application for funding unit

- 55 (1)** A student who meets the eligibility criteria for a funding unit set out in Section 54 may apply to the Reviewer for a funding unit on a form prescribed by the Minister.
- (2)** A completed application for a funding unit must be submitted no later than July 31 of the school year during which the student is enrolled at the designated special education private school or the registered special education private school and for which the funding unit is being sought and must include all of the following:
- (a) documented evidence, in a form satisfactory to the Reviewer, that all the eligibility criteria for a funding unit set out in subsection 54(1) or (2) are met;
 - (b) an outline of the programs and services being offered to the student by the designated special education private school or registered special education private school;
 - (c) a written rationale prepared by the student explaining how the programs and services referred to in clause (b) will benefit the student's academic and behavioural well-being;

- (d) for a student who has been diagnosed with a learning disability, a psycho-educational assessment of the student completed by a registered psychologist or a candidate registered psychologist.
- (3) A parent may apply under subsection (1) on behalf of a student under the age of majority.

Review and grant of funding unit

- 56 (1) On receiving an application for a student under Section 55, the Reviewer may grant a funding unit for the student.
- (2) If the Reviewer grants a funding unit under subsection (1), the Reviewer must notify all of the following:
- (a) the funded student;
 - (b) the designated special education private school or the registered special education private school in which the funded student is enrolled;
 - (c) the funded student's education entity;
 - (d) the Minister.
- (3) The Reviewer may refuse to grant a funding unit for any of the following reasons:
- (a) in the Reviewer's opinion, all the applicable eligibility criteria for a funding unit set out in subsection 54(1) or (2) are not met;
 - (b) the information required by Section 55 is incomplete;
 - (c) the Reviewer does not consider the programs and services outlined under clause 55(2)(b) to be acceptable;
 - (d) the Reviewer does not consider the rationale prepared under clause 55(2)(c) to be acceptable.
- (4) If the Reviewer refuses to grant a funding unit under subsection (3), the Reviewer must notify the applicant in writing and include with the notice the reasons for the refusal.

Calculation of funding unit

- 57 A funding unit is calculated as the average per student allocation of combined Provincial and municipal funding to education entities for the school year as of March 31 of the previous fiscal year, as determined by the Minister.

Application for supplement

- 58 (1) A funded student may apply to the Reviewer for a supplement for the same school year that their funding unit applies to, on a form prescribed by the Minister.
- (2) A complete application for a supplement must be submitted to the Reviewer by no later than July 31 of the school year during which the student is enrolled at the designated special education private school or the registered special education private school and for which the funding unit is being sought and must include sufficient information to satisfy the Reviewer that additional financial assistance is required, considering all the financial resources available to the funded student.

- (3) A parent may make an application under subsection (1) on behalf of a student under the age of majority.

Review and grant of supplement

- 59** (1) On receiving an application for a student under Section 58, the Reviewer may grant a supplement for the student.
- (2) If the Reviewer grants a supplement, the Reviewer must notify all of the following:
 - (a) the funded student;
 - (b) the designated special education private school or the registered special education private school in which the funded student is enrolled;
 - (c) the Minister.
 - (3) The Reviewer may refuse to grant a supplement for any of the following reasons:
 - (a) the information required by subsection 58(2) is incomplete;
 - (b) in accordance with guidelines established by the Minister, the Reviewer does not consider that the funded student requires financial assistance in addition to a funding unit.
 - (4) If the Reviewer refuses to grant a supplement under subsection (3), the Reviewer must notify the applicant in writing and include the reasons for the refusal.

Calculation of supplement

- 60** The Reviewer must calculate the amount of a supplement in accordance with guidelines established by the Minister, but a supplement must be less than the lower of the following amounts:
- (a) the amount of the funding unit granted to the funded student;
 - (b) 90% of the tuition fees charged by the designated special education private school or registered special education private school in which the student is enrolled.

Reapplying for tuition support funding

- 61** For greater certainty, a funded student must reapply for tuition support funding under these regulations for each year of funding availability under Section 62.

Maximum tuition support funding availability

- 62** (1) Except as provided in subsection (2), tuition support funding is available for a maximum of 3 school years.
- (2) The Reviewer may grant tuition support funding for a student who applies for a 4th year of tuition support funding if all of the following requirements are met:
 - (a) the student has been a funded student and meets the requirements for the tuition funding under these regulations;
 - (b) there is a transition plan in place for the student for the following school year developed by the funded student's education entity and the designated special education private school or the registered special education private school in which the student is enrolled.

Remittance of tuition support funding

- 63 (1)** A designated special education private school or a registered special education private school in which a funded student is enrolled must provide confirmation of the funded student's enrolment and the tuition support funding invoices to both of the following:
- (a) the funded student's education entity;
 - (b) the Minister.
- (2)** The confirmation and invoices required by subsection (1) must be provided by the following deadlines:
- (a) for a student who is enrolled on or before September 30 of a school year, by September 30 and March 1 of the school year;
 - (b) for a student who is enrolled after September 30 of a school year, no later than 30 days after the date of enrolment.
- (3)** On receiving the confirmation and invoices required by subsection (1), the funded student's education entity must remit the funding unit for the student to the school as follows:
- (a) for a student who is enrolled in the school on or before September 30 of a school year, in the following 2 instalments:
 - (i) 60% of the funding unit must be remitted no later than October 30 of the school year to which it applies, and
 - (ii) the remaining 40% of the funding unit must be remitted no later than April 1 of the school year to which it applies;
 - (b) for a student who is enrolled in the school after September 30 of a school year, in accordance with the directions of the Minister.
- (4)** On receiving the confirmation and invoices required by subsection (1), the Minister must remit the supplement for the student to the school.

Appointments to Tuition Appeal Board

- 64 (1)** The Governor in Council must appoint a person who has recognized professional qualifications and experience in working with students with special needs to serve as the single adjudicator of the Tuition Appeal Board to hear appeals under Section 65.
- (2)** A person appointed to the Tuition Appeal Board under subsection (1) holds office for 3 years and may not be reappointed.
- (3)** A person appointed to the Tuition Appeal Board may be paid any remuneration and reimbursement of expenses the Governor in Council determines.
- (4)** If a person appointed as the single adjudicator of the Tuition Appeal Board resigns office or retires, or if their term of office expires or is terminated, that person maintains jurisdiction as the Tuition Appeal Board over any application, matter or thing required to be determined by the Board, including the power to complete any unfinished matter and give a decision in that matter as if the person had not resigned or retired or their term of office had not expired or been terminated.

Decisions that may be appealed to the Tuition Appeal Board

- 65** (1) A student may appeal any of the following decisions made by the Reviewer:
- (a) a refusal to grant a funding unit under subsection 56(3);
 - (b) a refusal to grant a supplement under subsection 59(3);
 - (c) the amount of a supplement granted under Section 59 in accordance with Section 60.
- (2) A special education private school may appeal any of the following decisions made by the Minister:
- (a) a refusal to designate or renew the designation of the school under Section 46;
 - (b) a suspension or revocation of the school's designation under Section 47;
 - (c) a refusal to register or renew the registration of the school under Section 50;
 - (d) a suspension or revocation of the school's registration under Section 51.

Appealing a decision of the Reviewer

- 66** (1) An appellant must deliver a notice of appeal in writing to the Tuition Appeal Board no later than 30 days after the date of the decision to be appealed.
- (2) The Tuition Appeal Board must hold a hearing that provides the appellant with an opportunity to present evidence, including new information, and make representations.
- (3) A hearing of an appeal under this Section is not open to the public.
- (4) The Tuition Appeal Board must observe the confidentiality of all documents and records pertaining to an appeal.
- (5) The Tuition Appeal Board may do any of the following in deciding an appeal:
- (a) confirm the decision appealed from;
 - (b) vary the decision appealed from;
 - (c) rescind the decision appealed from.

Decisions of the Tuition Appeal Board

- 67** (1) A decision of the Tuition Appeal Board must be in writing and must include reasons for the decision.
- (2) A decision of the Tuition Appeal Board is final and binding.
- (3) The Tuition Appeal Board must notify all of the following of any decision:
- (a) the appellant;
 - (b) the Reviewer;
 - (c) the Minister;

- (d) for a student's successful appeal of a decision referred to in clause 65(1)(a), the funded student's education entity.

Public/Private Sector Development and Service Agreements

Definitions

68 For the purposes of this Section, Section 69 and the Act,

“acquire” or “acquired” includes the acquisition by lease, sublease, licence, permit or agreement or in any other manner either with or without payment or other consideration;

“convey title” includes conveyance by lease, sublease, licence, permit or agreement either with or without payment or other consideration;

“development agreement” means an agreement with a private sector developer pursuant to which the private sector developer, its successors or assigns, agrees to design, finance, plan, engineer, procure, construct, furnish, equip, commission, own or lease any real or personal property for the purposes of a learning centre;

“learning centre” means a learning centre

- (i) constructed, commissioned or equipped or to be constructed, commissioned or equipped pursuant to a development agreement, or
- (ii) managed, operated or maintained pursuant to a service agreement, and includes the land on which the learning centre is situate;

“private sector developer” means a person or association of persons, including but not limited to a joint venture or limited partnership, other than the Province or an education entity;

“school property” includes a learning centre;

“service agreement” means an agreement with a private sector developer pursuant to which the private sector developer, its successors or assigns, agrees to manage, operate, maintain, repair or keep safe any real or personal property for the purposes of a learning centre.

Development agreement or service agreement

- 69 (1)** The Minister may, with the approval of the Governor in Council, enter into and carry out a development agreement or a service agreement.
- (2)** If the Minister enters into a development agreement or a service agreement, an education entity may, upon terms and conditions consistent with the terms and conditions of the development agreement or the service agreement,
- (a) acquire all or part of any real or personal property of the learning centre for the purposes of a public school or community facility;
 - (b) enter into and carry out an agreement with the Minister, a private sector developer or a municipality respecting the use, control, management, operation, maintenance, repair or keeping safe of all or any part of any real or personal property of the learning centre acquired for the purposes of a public school or community facility.

- (3) If an education entity acquires property or enters into an agreement under clause (2)(a) or (b),
- (a) the education entity must control the property in accordance with the terms of the acquisition and the agreement with the Minister; and
 - (b) a regional executive director of the education entity must operate and maintain the buildings, equipment and supplies forming part of the property in accordance with the terms of the acquisition and the agreement with the Minister.
- (4) If an education entity acquires property by licence from the Minister under clause (2)(a) or enters into an agreement with the Minister under clause (2)(b), the licence or agreement must be in the form set out in Schedule A or to like effect and may contain any other terms and conditions that the Minister considers proper.

Compensation

Compensation framework for Senior Staff of Regional Centres

70 (1) Senior staff of a regional centre must be compensated in accordance with the “compensation framework” as set out in Sections 71 to 79 and Schedules B and C.

(2) For the purpose this Section and Sections 77 to 79, “senior staff” is as defined in the *Ministerial Education Act Regulations* for the applicable regional centre.

(3) In this Section and Sections 71 to 79,

“compa-ratio” means a compa-ratio, expressed as a percentage, in the pay for performance guide chart and the compensation grids;

“compensation amount” means a compensation amount, expressed as a dollar amount, specified for a compa-ratio in the compensation grids, and includes any administrative allowance;

“compensation grid” means a compensation grid in Schedule C that sets out the compa-ratios and corresponding compensation amounts for directors and regional executive directors;

“member” means a member of a senior staff;

“pay for performance guide chart” means the chart set out in Schedule B that is used to determine pay for performance;

“salary” means salary, including any administrative allowance;

“Teachers’ Professional Agreement” means a professional agreement between the Minister and the Nova Scotia Teachers’ Union.

Compensation amount paid to members under the compensation framework

71 The compensation amount to be paid to a member is the compensation amount that corresponds to the compa-ratio applicable to the member in accordance with the applicable compensation grid and the pay for performance guide chart.

Compa-ratios for members employed on July 31, 2004

72 The compa-ratio for a member employed by a regional centre on July 31, 2004, is the compa-ratio shown in the applicable compensation grid

- (a) for a compensation amount that is equal to the member's salary on August 1, 2004; or
- (b) for the compensation amount that is immediately higher than the member's salary on August 1, 2004, if no compensation amount is applicable under clause (a).

Compa-ratios for employees appointed as senior staff on or after August 1, 2004

73 (1) The compa-ratio for a person who meets all of the following is determined under subsection (2):

- (a) they are appointed as senior staff by a regional centre on or after August 1, 2004;
 - (b) they hold a teacher's certificate at the time of their appointment;
 - (c) they are employed by the appointing regional centre immediately before their appointment.
- (2)** The compa-ratio for the purpose of subsection (1) is the compa-ratio, shown on the applicable compensation grid, that is the higher of the following:
- (a) 3% higher than the compa-ratio for the compensation amount closest to the person's salary immediately before the appointment;
 - (b) between 80% and 85%, as selected by the Minister.
- (3)** The compa-ratio for a person who meets all of the following is determined under subsection (4):
- (a) they are appointed as senior staff by a regional centre on or after August 1, 2004;
 - (b) they do not hold a teacher's certificate at the time of their appointment;
 - (c) they are employed by the appointing regional centre immediately before their appointment,
- (4)** The compa-ratio for the purposes of subsection (3) is the compa-ratio, shown on the applicable compensation grid, that is the higher of the following:
- (a) 3% higher than the compa-ratio for the compensation amount closest to the employee's salary immediately before applying for the appointment;
 - (b) between 80% and 85%, as selected by the Minister.

Compa-ratios for non-employees appointed as senior staff on or after August 1, 2004

74 (1) The compa-ratio for a person who meets all of the following is determined under subsection (2):

- (a) they are appointed as senior staff by a regional centre on or after August 1, 2004;
 - (b) they hold a teacher's certificate at the time of their appointment;
 - (c) they are not employed by the appointing regional centre immediately before their appointment.
- (2)** The compa-ratio for the purposes of subsection (1) is the compa-ratio, shown on the applicable compensation grid, that is the higher of the following:

- (a) the compa-ratio for the compensation amount closest to the salary under the Teacher's Provincial Agreement associated with the person's class of teacher's certificate and years of teaching experience;
 - (b) between 80% and 85%, as selected by the Minister.
- (3) The compa-ratio for a person who meets all of the following is the compa-ratio shown on the applicable compensation grid between 80% and 85%, as selected by the Minister:
- (a) they are appointed as senior staff by a regional centre on or after August 1, 2004;
 - (b) they do not hold a teacher's certificate at the time of their appointment;
 - (c) they are not employed by the appointing regional centre immediately before their appointment.

Compa-ratios for senior staff if employment contracts renewed or extended

75 For greater certainty, the compensation framework applies despite a renewal or extension of a member's employment contract.

Annual progression of senior staff under compensation framework

76 (1) The progression of a member under the compensation framework is determined by

- (a) determining the member's annual performance rating in accordance with regional centre policy or generally accepted performance appraisal practices; and
 - (b) applying the pay for performance guide chart to the member's annual performance rating as follows:
 - (i) select the appropriate percentage increase in compa-ratio from the range identified in the chart for the member's performance rating and current compa-ratio,
 - (ii) reduce the percentage increase, if necessary, to achieve the maximum compa-ratio of 104%, and
 - (iii) increase the member's compa-ratio based on the percentage increase determined under subclauses (i) and (ii).
- (2) A re-earnable incentive may be added to a member's compensation amount in the form of a lump sum payment that is the lesser of a percentage of the compensation amount on the applicable compensation grid for the compa-ratio of 100% that is the lesser of the following: *[sic]*
- (a) the percentage that was deducted in accordance with the reduction under subclause (1)(b)(ii);
 - (b) 3%.

Variations to initial compa-ratio on appointment as a member and to annual progression of members

77 (1) Despite Sections 71, 72, 73, 74 and 76, Minister may grant a variance of the application of any requirement in those Sections to a person if the Minister considers it appropriate after considering the rationale for the variance and the financial and operational costs related to the variance, and any additional matters the Minister considers relevant, including

- (a) with respect to the application of any requirement of Sections 71 to 74, to the initial placement of a person on the compensation framework, whether a higher compensation amount is necessary
 - (i) to effect the appointment of a qualified person, or
 - (ii) if the person appointed has qualifications in excess of the minimum requirements for the position; and
 - (b) with respect to the application of any requirement of Sections 71 and 76 to annual progression of senior staff, whether a higher compensation amount is appropriate for any of the following reasons, or for any other equitable reasons:
 - (i) to recognize and compensate increased professional qualifications achieved by a member since becoming subject to the compensation framework; or
 - (ii) if applicable, to fulfill the minimum salary amount required under the Teachers' Provincial Agreement.
- (2) A variance granted under subsection (1) may be for any period of time and on any terms and conditions determined by the Minister.
- (3) A deviation from, or variance of, the requirements of Sections 71 to 74 and 76, by contract or otherwise, is null and void unless granted in accordance with this Section.

Annual review of compensation grids and pay for performance guide chart

78 The Minister must review the compensation grids and pay for performance guide chart on or about August 1 of each year, and at such other times as the Minister considers advisable, for the purpose of recommending amendments to reflect the economic adjustments, if any, granted to management employees in the Nova Scotia Civil Service.

Compa-ratio of senior staff after compensation grids and pay for performance guide chart amended

79 For greater certainty, if a compensation grid or the pay for performance guide chart is amended or replaced, a member retains the compa-ratio of that person before the amendment or replacement until their next performance appraisal.

Schedule A: Learning Centre Licence Agreement

This Agreement made the day of , .

Between

Her Majesty the Queen in Right of the Province of Nova Scotia,
represented in this behalf by the Minister of Education [and Early Childhood Development],
hereinafter called "the Licensor",

of the first part

- and -

Education Entity
hereinafter called "the Licensee",

of the second part

Witnesseth that in consideration of the sum of \$1.00 paid by the Licensee to the Licensor, receipt whereof is hereby acknowledged, the Licensor grants to the Licensee a licence to use, manage, operate, maintain, repair and keep safe the real and personal property of the learning centre defined in the service agreement made the day of _____, between _____

and Her Majesty the Queen in right of the Province of Nova Scotia as represented by the Minister of Education [and Early Childhood Development], a copy of which is attached hereto as Schedule "A" and that is hereinafter referred to as the "Service Agreement".

The use, management, operation, maintenance, repair and keeping safe of the learning centre by the Licensee shall coincide with the Licensor's rights and responsibilities under the Service Agreement that are hereinafter delegated by the Licensor to the Licensee and shall be otherwise subject to and in accordance with the provisions of the Service Agreement.

The Licensor hereby delegates to the Licensee the following rights and responsibilities of the Licensor under the Service Agreement:

The term of this Agreement shall coincide with the term of the Service Agreement and any renewal thereof.

In witness whereof the parties have executed this Agreement the day and year first above written.

Signed, sealed and delivered)
in the presence of)
) **Her Majesty the Queen in Right of**
) **the Province of Nova Scotia**
) represented by the Minister of
) Education and Early Childhood Development
) _____
) **Minister of Education and Early**
) **Childhood Development**
) _____
) **Education Entity**

Schedule B: Pay for Performance Guide Chart

Performance Rating	Current Compa-ratio 80% to 89%	Current Compa-ratio 90% to 103%	Current Compa-ratio 104%
5	up to 6% increase	up to 5% increase	up to 3%
4	up to 5% increase	up to 4% increase	up to 2%
3	up to 4% increase	up to 3% increase	up to 1%
2	0% increase	0% increase	0%
1	0% increase	0% increase	0%

Schedule C: Compensation Grids
effective 01-Aug-14

Grid 1 - Compensation Grid for Directors

Compa-ratio Compensation amount	80% \$94,271	81% \$95,450	82% \$96,628	83% \$97,807	84% \$98,985
Compa-ratio Compensation amount	85% \$100,163	86% \$101,342	87% \$102,520	88% \$103,699	89% \$104,877
Compa-ratio Compensation amount	90% \$106,055	91% \$107,234	92% \$108,412	93% \$109,590	94% \$110,769
Compa-ratio Compensation amount	95% \$111,947	96% \$113,126	97% \$114,304	98% \$115,482	99% \$116,661
Compa-ratio Compensation amount	100% \$117,839	101% \$119,018	102% \$120,196	103% \$121,374	104% \$122,553

Grid 2 - Compensation Grid for Regional Executive Directors

Compa-ratio Compensation amount	80% \$120,958	81% \$122,470	82% \$123,982	83% \$125,494	84% \$127,006
Compa-ratio Compensation amount	85% \$128,518	86% \$130,030	87% \$131,542	88% \$133,054	89% \$134,566
Compa-ratio Compensation amount	90% \$136,078	91% \$137,590	92% \$139,102	93% \$140,614	94% \$142,126
Compa-ratio Compensation amount	95% \$143,638	96% \$145,150	97% \$146,662	98% \$148,174	99% \$149,686
Compa-ratio Compensation amount	100% \$151,198	101% \$152,710	102% \$154,222	103% \$155,734	104% \$157,246

N.S. Reg. 51/2018

Regional Centres for Education Regulations

Schedule “B”

**Regulations Respecting Regional Centres for Education
and Designation of School Regions
made by the Governor in Council under Section 98
of Schedule A, the *Education Act*, to Chapter 1 of the Acts of 2018,
the *Education Reform (2018) Act***

Citation

1 These regulations may be cited as the *Regional Centres for Education Regulations*.

Definitions

2 In these regulations,

“Act” means the *Education Act*;

“Regional School Board” means a regional school board that dissolved upon the coming into force of Section 99 of the Act.

Names of regional centres and school regions

3 The following geographic areas are designated as school regions to be served by a regional centre for education constituted under Section 54 of the Act, under the corresponding designated name:

Name of Regional Centre for Education	School Region
Annapolis Valley Regional Centre for Education	the geographic area served by the former Annapolis Valley Regional School Board, consisting of the counties of Annapolis and Kings and the District of West Hants
Cape Breton-Victoria Regional Centre for Education	the geographic area served by the former Cape Breton-Victoria Regional School board consisting of the Cape Breton Regional Municipality and the County of Victoria
Chignecto-Central Regional Centre for Education	the geographic area served by the former Chignecto-Central Regional School Board, consisting of the counties of Colchester, Cumberland and Pictou and the District of East Hants
Halifax Regional Centre for Education	the geographic area served by the former Halifax Regional School Board consisting of the Halifax Regional Municipality
South Shore Regional Centre for Education	the geographic area served by the former South Shore Regional School Board consisting of the counties of Lunenburg and Queens

Strait Regional Centre for Education	the geographic area served by the former Strait Regional School Board consisting of the counties of Antigonish, Guysborough, Inverness and Richmond
Tri-County Regional Centre for Education	the geographic area served by the former Tri-County Regional School Board consisting of the counties of Digby, Shelburne and Yarmouth

N.S. Reg. 52/2018

Teacher Certification Regulations

Schedule “C”

**Regulations Respecting Teacher Certification
made by the Governor in Council under Section 98
of Schedule A, the *Education Act*, to Chapter 1 of the Acts of 2018,
the *Education Reform (2018) Act***

Citation

1 These regulations may be cited as the *Teacher Certification Regulations*.

Definitions

2 (1) In these regulations,

“Act” means the *Education Act*;

“approved” means approved by the Minister except where otherwise specified.

“certificate program” means a program of studies relating to public education consisting of at least 5 full university courses, any of which may be at the undergraduate or graduate level, or the approved equivalent, that are developed as an in-service experience for teachers, designed by or with a university, including credit courses in either or both of the following:

- (i) academic disciplines taught in the public schools or other approved disciplines related to public school education,
- (ii) professional studies;

“degree program” means a program of studies to receive

- (i) a graduate diploma,
- (ii) a masters degree in
 - (A) education, or
 - (B) a teachable subject, as defined in the public school program, or
- (iii) a doctoral degree from a recognized university;

“discipline” means a course of studies taught in public schools in the Province;

“endorse” means to acknowledge recognized subject fields of competency in teaching;

“graduate degree” means a master’s degree or doctoral degree;

“graduate diploma” means a diploma received upon completion of an established program of a recognized university consisting of a minimum 5 full university courses at the graduate level, any of which may be in either or both of the following:

- (i) an academic discipline taught in the public schools or other approved disciplines related to public school education,
- (ii) professional studies;

“integrated program” means an individual program of studies developed by a teacher in consultation with a university, consisting of all of the following:

- (i) any combination of academic and professional courses that are interrelated,
- (ii) a minimum of 5 full courses at a university, or the approved equivalent, of which at least 3 must be full graduate courses and only 2 may be full undergraduate courses;

“major endorsation” means an endorsation requiring a minimum of 30 credit hours of study in a discipline in a subject field and 6 credit hours of teaching methodology in that subject field;

“minor endorsation” means an endorsation requiring a minimum of 18 credit hours of study in a discipline in a subject field and 3 credit hours in the teaching methodology of that subject field;

“Nova Scotia Instructional Leadership Program” means the instructional leadership program provided by the Minister that leads to a diploma in instructional leadership granted by the Minister, and as described in the *Governor in Council Education Act Regulations* made under the Act;

“post-July 31, 2000 certification system” means the teacher’s certification system set out in Sections 33 to 51;

“pre-August 1, 2000 certification system” means the teacher’s certification system set out in Sections 26 to 32;

“recognized” means recognized in the judgment of the Minister for the purpose of teacher certification under these regulations;

“Registrar” means the Registrar of Teacher Certification appointed under Section 4.

“successful” means successful in the judgement of the Registrar for the purpose of teacher certification under these regulations;

“subject field” means a field of study representing related disciplines;

“university” includes a college;

“upgrading program” means a degree program, certificate program or integrated program undertaken by a person to obtain a higher class of teacher’s certificate.

- (2) For the purposes of interpretation of this Section and Sections 33 to 51 (post-July 31, 2000 certification system),
- (a) 1 full course equals 6 credit hours of study or 1/5 of 1 year of study; and
 - (b) 1 year equals 5 full courses of study or 30 credit hours of study.

Provisions that apply to both pre-August 1, 2000 and post-July 31, 2000 certification systems

- 3 For greater certainty, Sections 4 to 25 and 52 to 58 apply to both the pre-August 1, 2000 certification system and the post-July 31, 2000 certification system.

Registrar, Council and Committee

Registrar of Teacher Certification

- 4 (1) The Minister must appoint a Registrar of Teacher Certification in accordance with the *Civil Service Act* to perform the duties and functions and exercise the powers and authorities imposed or conferred upon the Registrar by these regulations or as otherwise prescribed by the Minister.
- (2) The Minister may designate a person in the public service to act in the place of the Registrar due to the absence or incapacity of the Registrar.
- (3) Despite anything in these regulations, the Minister may take any action in respect of [a] teacher's certificate or teaching permit that may be performed by the Registrar and may exercise any power and authority conferred on the Registrar by these regulations.
- (4) A reference to a teacher's certificate, vocational teacher's certificate or teaching permit granted by the Registrar may be read as a teachers's certificate or teaching permit granted by the Minister, as the context requires.

Minister's Advisory Council on Teacher Certification

- 5 The Minister must appoint, effective September 1 of each year, a Minister's Advisory Council on Teacher Certification composed of any number of members the Minister determines appropriate, and including at least all of the following:
- (a) a representative of the Department;
 - (b) 2 representatives of the Nova Scotia Teacher's Union;
 - (c) 1 representative of the Committee of Deans and Heads of Teacher Training Institutions;
 - (d) an employee of the Department, who serves as a non-voting secretary of the Minister's Advisory Council on Teacher Certification.

Certification Appeals Committee

- 6 (1) The Minister must appoint a Certification Appeals Committee, to be composed of 3 persons, as follows
- (a) 1 person nominated by the Nova Scotia Teacher's Union;
 - (b) 1 person nominated by the Minister; and
 - (c) 1 person, acceptable to both the Minister and the Nova Scotia Teacher's Union, who is a regional education officer or the education officer for the Conseil scolaire acadien provincial.

- (2) The person appointed under clause (1)(c) must be the Chair of the Committee.
- (3) A member of the Committee is appointed for a term prescribed by the Minister, not to exceed 3 years.
- (4) A member of the Committee may be reappointed.
- (5) A member of the Committee whose term expires continues to hold office until a successor is appointed or until the member is reappointed.
- (6) A member of the Committee whose term expires during a review being conducted by the Committee must remain part of the Committee until the review is concluded.
- (7) The Minister may fill a vacancy on the Committee by appointing a person to fill the former member's unexpired term.
- (8) If a member of the Committee misses 3 consecutive meetings, the Minister may, on the recommendation of the Committee, revoke the member's appointment.

Applications and Fees

Application to Registrar

7 A person meeting the qualifications for a teacher's certificate, vocational teacher's certificate or teaching permit under these regulations may apply to the Registrar for a teacher's certificate or teaching permit, a renewal of a teacher's certificate or teaching permit, a duplicate teacher's certificate or a higher class of teacher's certificate.

Applying for teacher's certificate or teaching permit

8 An applicant for a teacher's certificate or teaching permit must submit all of the following with their application:

- (a) documentary evidence of the type and in the form prescribed by the Minister respecting the applicant's character, age, training and qualifications;
- (b) the applicable fee set out in Section 9.

Fees

9 The following are the fees for teacher's certificates:

Teacher's Certificate	Fee
initial certificate	\$106.15
renewal of certificate	\$46.45
duplicate certificate	\$46.45
higher class of certificate	\$35.00

Issuing teacher's certificate

- 10 (1) The Registrar may only grant a teacher's certificate or teaching permit if the Registrar is satisfied that the applicant is of good character and fit to teach.
- (2) A teacher's certificate granted by the Registrar is a permanent certificate.

Applying for higher class of teacher's certificate

- 11 (1) An applicant for a higher class of teacher's certificate must submit all of the following with their application
- (a) an official transcript of their course results or a copy of the applicant's letter requesting an institution to send the official transcript directly to the Registrar; and
 - (b) the applicable fee set out in Section 9.
- (2) The Registrar must not grant a higher class of certificate until the Registrar receives an official transcript of the applicant's course results.

Statement of professional standing

- 12 (1) The Registrar may provide a statement of professional standing to the holder of a teacher's certificate, upon application and payment of the fee set out in subsection (2).
- (2) An applicant for a statement of professional standing must submit a fee of \$33.15 with their application.

Evidence of language proficiency

- 13 The Registrar may require that an applicant for a teacher's certificate provide evidence of the type and in the form required by the Registrar of their proficiency in the English language or the French language to meet the requirements of the Department.

Effective date of classification

- 14 (1) For salary purposes, the classification of an initial teaching permit or initial teacher's certificate is effective on the later of the following dates:
- (a) the date the teacher qualified for the classification;
 - (b) the first day of the school year in which the teacher applied for the classification and submitted all the required documentation, as determined by the Registrar
- (2) For salary purposes, a change in classification of a teaching permit or teacher's certificate is effective on the following dates:
- (a) August 1, if all required documentation is received between and including March 1 to September 30;
 - (b) January 1 of the same school year, if all required documentation is received between and including October 1 to the last day of February.

Teaching permit issued without teacher's certificate

- 15 (1) If an education entity certifies that no holder of a teacher's certificate is available for a teaching position, the Minister may issue a teaching permit to a person recommended by the regional executive director for the region in which the school or class is situated, subject to the Minister being satisfied with the person's subject matter and pedagogical expertise.
- (2) A teaching permit issued under this Section constitutes permission to conduct school only in the school region and for the school year for which it is issued.

Refusal to grant teacher's certificate

- 16** (1) The Registrar may refuse to grant the class of teacher's certificate an applicant applies for if the Registrar has reasonable grounds to believe that the applicant does not meet the requirements specified in these regulations for the certificate.
- (2) Except as provided in subsection (4), if the Registrar refuses an application for a class of teacher's certificate, the Registrar must provide the applicant with a notice in writing of the refusal that includes all of the following:
- (a) the reasons for the refusal;
 - (b) a statement that the applicant may request a review of the decision in accordance with Section 17;
 - (c) details of any written submissions the Certification Appeals Committee requires for the review;
 - (d) the date the application was received by the Registrar.
- (3) A notice provided under subsection (2) must be sent by ordinary mail no later than 45 days after the date the Registrar receives the application.
- (4) If the Registrar's refusal is because the applicant's teacher's certificate is suspended or cancelled, the Registrar is not required to notify the applicant in writing in accordance with subsection (2), and the applicant may not request a review of the Registrar's decision under Section 17.

Review of Refusal to Grant Teacher's Certificate**Request for review of Registrar's refusal**

- 17** (1) An applicant for a teacher's certificate may request a review, in accordance with this Section, of the Registrar's decision to refuse to grant the applicant a certificate.
- (2) A request for review must be sent to the Minister in writing and be accompanied by any written submissions required by the Certification Appeals Committee, as specified in the notice to the applicant under subsection 16(2).
- (3) Except as provided in subsection (4), a request for review must be received by the Minister no later than 180 days after the date the 45-day period referred to in subsection 16(3) expires.
- (4) At an applicant's request, the Certification Appeals Committee may extend the deadline beyond the time set out in subsection (3) if it is satisfied that the circumstances warrant granting the extension.

Review by Certification Appeals Committee

- 18** (1) Upon a request submitted in accordance with Section 17, the Certification Appeals Committee must conduct a review of the Registrar's decision to refuse to grant the applicant a teacher's certificate unless, in its opinion, the request is
- (a) frivolous or vexatious;
 - (b) an abuse of process; or
 - (c) outside the jurisdiction of the Committee.

- (2) Before conducting its review, the Certification Appeals Committee must ensure that both the applicant requesting the review and the Registrar are given at least 14 days to examine and to make submissions on any document that the Committee intends to consider in its review.
- (3) After the time period set out in subsection (2), the Certification Appeals Committee must schedule a date for the review.
- (4) An applicant for whom a review is conducted is entitled to attend the review, and may be accompanied or represented by another person at the review.
- (5) On completing a review, and no later than 10 days after the date the Certification Appeals Committee makes its final decision, the Committee must provide the Minister with a recommendation in writing, including its reasons for the recommendation.
- (6) The Certification Appeals Committee must recommend that the Minister do 1 of the following:
 - (a) grant to the applicant the class of teacher's certificate applied for;
 - (b) grant to the applicant the class of teacher's certificate applied for after the applicant fulfills conditions specified by the Committee, including certain of the requirements specified in these regulations for the granting of the class of teacher's certificate applied for;
 - (c) refuse to grant to the applicant the class of teacher's certificate applied for.

Minister's decision on review

- 19** (1) The Minister must consider the recommendations made by the Certification Appeals Committee under Section 18 when making a decision under this Section.
- (2) The Minister must advise the chair of the Certification Appeals Committee of the Minister's decision.
- (3) The chair of the Certification Appeals Committee must notify the applicant of the Minister's decision by providing the applicant with a copy of the Committee's recommendation and the Minister's decision no later than 30 days after the date the Committee makes its recommendation to the Minister.

Cautions, Reprimands, Suspension and Cancellations

Actions in respect of certificate or permit

20 In this Section and Sections 21 to 25,

- (a) "certificate" includes a
 - (i) teacher's certificate,
 - (ii) vocational teacher's certificate, and
 - (iii) special certificate; and
- (b) "permit" includes a
 - (i) teaching permit, and

- (ii) vocational teacher's permit.
- (2) The Minister may, for cause, take any of the following actions respecting a certificate or permit:
- (a) issue a letter of caution to the holder of a certificate or permit;
 - (b) issue a letter of reprimand to the holder of a certificate or permit;
 - (c) suspend a certificate or permit with or without restrictions or conditions on the reinstatement of the certificate or permit;
 - (d) cancel a certificate or permit.
- (3) The Minister must send the holder of a certificate or permit a copy of the investigation report prepared by the Department at least 30 days before taking any of the actions listed in subsection (2), and the holder of the certificate or permit may provide a written response to the investigation report.
- (4) An investigation report sent under subsection (3) must state the reasons for the Minister's decision to take any action under subsection (2) and no other reason may be added after the report is sent.
- (5) If the Minister decides not to take any of the actions listed in subsection (2) after an investigation, the Minister must send a notice in writing of the decision to the holder of the certificate or permit no later than 30 days after the date of the Minister's decision.

Reporting suspensions and cancellations

- 21 (1) The Minister must immediately report the suspension or cancellation of a certificate or permit made under Section 20, including any restrictions or conditions on the certificate or permit, to all of the following:
- (a) all education entities in the Province;
 - (b) all teacher certification authorities within Canada;
 - (c) any teacher certification authorities outside of Canada where the Minister considers it appropriate.
- (2) The Minister may disclose information obtained during or incidental to an investigation that results in a certificate or permit being suspended or cancelled under Section 20 to any teaching authority that requests the information, and may include details relating to any restrictions or conditions on the reinstatement of the certificate or permit.

Reinstatement of certificate or permit

- 22 The Minister may, in the Minister's absolute discretion, reinstate a certificate or permit that is suspended or cancelled under Section 20.

Voluntary surrender of certificate or permit

- 23 A holder of a certificate or permit may voluntarily surrender their certificate or permit to the Minister.

Education entity's report on suspension, discharge, refusal to employ or termination

- 24 (1) An education entity must report in writing to the Minister if, as a result of conduct that relates to fitness or the suitability of the holder of a certificate or permit to hold the certificate or permit,

- (a) the education entity suspends, discharges, refuses to employ or terminates the employment of a holder of a certificate or permit; or
 - (b) a holder of a certificate or permit retires or resigns from employment with the education entity.
- (2) A report provided to the Minister under subsection (1) must include all of the following:
- (a) all of the following respecting the certificate or permit holder:
 - (i) full name, including previous names,
 - (ii) date of birth,
 - (iii) type and class of certificate or type of permit,
 - (iv) professional number;
 - (b) a general description of the conduct and circumstances that resulted in the matters requiring the report under subsection (1).
- (3) The obligations of an education entity prescribed in subsections (1) and (2) apply *mutatis mutandis*, to all of the following:
- (a) the Nova Scotia Community College established under the *Community Colleges Act*;
 - (b) [the] Atlantic Provinces Special Education Authority;
 - (c) a private school;
 - (d) a private career college as defined in the *Private Career Colleges Act*.

Annual summary to teacher certification authorities

- 25 (1)** On or before March 31 of each year, the Minister must provide the teacher certification authority of every province and territory of Canada with an annual summary of every suspension and cancellation by the Minister of a certificate or permit in the previous calendar year.
- (2) The Minister's annual summary required by subsection (1) must include all of the following information for each suspension or cancellation of a certificate or permit:
- (a) as statement as to whether the certificate or permit was suspended or cancelled;
 - (b) the date of the suspension or cancellation;
 - (c) all of the following information respecting the holder of the certificate or permit that was suspended or cancelled:
 - (i) full name, including previous names,
 - (ii) date of birth,
 - (iii) type and class of certificate or type of permit,

- (iv) professional number;
- (d) the reasons for the suspension or cancellation, including all of the following:
 - (i) a general description of the conduct and circumstances that resulted in the suspension or cancellation,
 - (ii) if an education entity has provided a report to the Minister under subsection 24(1),
 - (A) the action taken by the education entity as described in clause 24(1)(a), or
 - (B) the action taken by the person as described in clause 24(1)(b).

Pre-August 1, 2000 Certification System

Pre-August 1, 2000 classes of teacher's certificates

- 26 (1)** A holder of a teacher's certificate granted under Section 62 of the regulations made by the Governor in Council by Order in Council 67-615 dated August 15, 1967 holds and is deemed to hold a teacher's certificate of the class equivalent to a class described in subsection (2).
- (2)** The following are the 9 classes of teacher's certificates under the Pre-August 1, 2000 certification system, in order from lowest to highest
- (a) Teacher's Certificate Class M;
 - (b) Teacher's Certificate Class 1;
 - (c) Teacher's Certificate Class 2;
 - (d) Teacher's Certificate Class 3;
 - (e) Teacher's Certificate Class 4;
 - (f) Teacher's Certificate Class 5;
 - (g) Teacher's Certificate Class 6;
 - (h) Teacher's Certificate Class 7;
 - (i) Teacher's Certificate Class 8.

Teacher's Certificate Class 4

- 27** The Registrar may grant a Teacher's Certificate Class 4 to a person who holds an Associate in Education diploma through the Nova Scotia Teachers College.

Teacher's Certificate Class 5

- 28** The Registrar may grant a Teacher's Certificate Class 5 to a person who meets all of the following qualifications, or is deemed by the Minister to have qualifications equivalent to all of the following:
- (a) holds an approved bachelor's degree from a recognized university,
 - (b) has completed an approved program of teacher education.

Teacher's Certificate Class 6

29 The Registrar may grant a Teacher's Certificate Class 6 to a person who meets all of the following qualifications;

- (a) has the academic and professional qualifications required for a Teacher's Certificate Class 5;
- (b) holds an approved master's degree from a recognized university.

Teacher's Certificate Class 7

30 The Registrar may grant a Teacher's Certificate Class 7 to a person who meets either of the following:

- (a) has the academic and professional qualifications required for a Teacher's Certificate Class 6 and has completed 1 additional year of approved graduate study;
- (b) has the academic and professional qualifications required for a Teacher's Certificate Class 5 and has completed 2 additional years of approved graduate study.

Teacher's Certificate Class 8

31 The Registrar may grant a Teacher's Certificate Class 8 to a person who meets all of the following qualifications;

- (a) has the academic and professional qualifications required for a Teacher's Certificate Class 6;
- (b) holds an approved doctorate degree from a recognized university.

Training approved by Registrar for granting a higher level certificate

32 Despite Sections 27 to 31 and Sections 59 and 60, the Registrar may grant to a person holding teacher's certificates up to and including Class 7, a teacher's certificate of the next highest rank if the person complies with 1 of the following:

- (a) after August 1, 1967, completes a course of training approved by the Registrar of 1 academic year's duration, or the equivalent thereof;
- (b) before August 1, 1967, completed a course of training of 1 academic year's duration, or the equivalent thereof, if the Registrar is satisfied that the course of training was of a kind that the Registrar would have approved on or after August 1, 1967.

Post-July 31, 2000 Certification System**Granting a teacher's certificate for first time**

33 (1) Except as provided in subsection (2), if a person who has not previously been granted a teacher's certificate from the Registrar applies for a teacher's certificate, the Registrar must

- (a) receive and process the application under the post-July 31, 2000 certification system; and
- (b) subject to the person satisfying the requirements under the post-July 31, 2000 certification system for the class of teacher's certificate applied for, grant a teacher's certificate under the post-July 31, 2000 certification system.

- (2)** If 1 of the following persons applies, the Registrar must, if the Registrar is satisfied that the requirements of this subsection are met, receive and process the application under the pre-August 1, 2000 certification system and, subject to the person satisfying the requirements under the pre-August 1, 2000 certification system for the class of teacher's certificate applied for, grant the

teacher's certificate under the pre-August 1, 2000 certification system, effective on and after the date of the certificate:

- (a) a person who, before August 1, 2000, held a valid teacher's certificate granted by an authority in a jurisdiction other than the Province and satisfied the professional studies requirements prescribed by that jurisdiction, if
 - (i) the Registrar considers the professional studies requirements prescribed by that jurisdiction to be equivalent to the professional studies requirements for the teacher's certificate applied for under this subsection, or
 - (ii) the person was granted, before August 1, 2004, a teacher's certificate under the post-July 31, 2000 certification system;
 - (b) a person who, before August 1, 2000, completed an approved program of Teacher Education in Nova Scotia, and satisfied the requirements under the pre-August 1, 2000 certification system for a teacher's certificate, and applied for and was granted an equivalent teacher's certificate from a jurisdiction other than the Province; or
 - (c) a person who, before August 1, 2000, held an Associate in Education diploma through the Nova Scotia Teachers College.
- (3) If a person referred to in subclause (2)(a)(ii) provides to the Registrar proof of payment of an application fee for the teacher's certificate referred to in that subclause, payment of that application fee is payment of the application fee for the purpose of applying for a teacher's certificate under subsection (2).
- (4) Any teacher's certificate previously granted to a person under the Act is revoked effective on and after the date of a teacher's certificate granted to the person under subsection (2).

Post-July 31, 2000 classes of teacher's certificates

34 The following are the classes of teacher's certificates under the post-July 31, 2000 certification system:

- (a) Bridging Teacher's Certificate;
- (b) Initial Teacher's Certificate;
- (c) Advanced Teacher's Certificate 1;
- (d) Advanced Teacher's Certificate 2;
- (e) Advanced Teacher's Certificate 3.

Guidelines on granting teachers' certificates under post-July 31, 2000 certification system

35 (1) Before granting a teacher's certificate to a person on the condition that the person has completed a degree program, the Registrar must be satisfied that the person meets 1 of the following:

- (a) they have been awarded the degree for that degree program;
 - (b) they have completed the requirements to be awarded the degree for that degree program.
- (2) Before granting an Advanced Teacher's Certificate 1, 2 or 3 to a person on condition that the person has completed an integrated program, the Registrar

- (a) must have approved the integrated program before the commencement of the integrated program; and
 - (b) must not have previously granted a teacher's certificate on the condition that the integrated program or any courses in the integrated program have been completed.
- (3) Before the Registrar grants a teacher's certificate to a person under the post-July 31, 2000 certification system on the condition that the person has completed a program, the Registrar must be satisfied that the person has fully completed the program.
- (4) Before the Registrar grants an Advanced Teacher's Certificate 1, 2 or 3 to a person under the post-July 31, 2000 certification system on the condition that the person has completed a certificate program or an integrated program, the Registrar must be satisfied that the program does not include any undergraduate courses completed as part of the program if the completion of those courses was a condition for the granting of the preceding lower class of teacher's certificate to the person.
- (5) Before the Registrar grants an Advanced Teacher's Certificate 1, 2 or 3 to a person under the post-July 31, 2000 certification system on the condition that the person has completed a certificate program, degree program or an integrated program, the Registrar must be satisfied that the program does not include any graduate courses completed as part of the program if the completion of those courses was a condition for the granting of the preceding lower class of teacher's certificate to the person.

Bridging Teacher's Certificate

- 36 (1) The Registrar may grant a Bridging Teacher's Certificate to a person who has not previously been granted a teacher's certificate by the Minister or the Registrar and does not meet the requirements for an Initial Teacher's Certificate, if the person meets 1 of the following qualifications:
- (a) they hold a valid teacher's certificate granted by an authority in a Canadian territory or province other than Nova Scotia;
 - (b) they have completed minimum of 4 years of undergraduate education, including
 - (i) an approved bachelor's degree from a recognized university, and
 - (ii) an approved program of professional studies that consists of a minimum of 30 semester hours of course work, including practicum.

Initial Teacher's Certificate

- 37 The Registrar may grant an Initial Teacher's Certificate to a person who meets all of the following qualifications:
- (a) a minimum of 3 years of approved undergraduate studies;
 - (b) a minimum of 2 years of an approved program of professional studies; and
 - (c) receipt of an approved bachelor's degree from a recognized university.

Advanced Teacher's Certificate 1

- 38 The Registrar may grant an Advanced Teacher's Certificate 1 to a person who meets all of the following qualifications:
- (a) the academic and professional qualifications required for an Initial Teacher's Certificate;

- (b) completion of 1 of the following:
 - (i) an approved
 - (A) certificate program,
 - (B) degree program, or
 - (C) integrated program,
 - (ii) the Nova Scotia Instructional Leadership Program.

Advanced Teacher's Certificate 2

39 The Registrar may grant an Advanced Teacher's Certificate 2 to a person who meets all of the following qualifications:

- (a) the academic and professional qualifications required for an Advanced Teacher's Certificate 1;
- (b) completion of 1 of the following:
 - (i) an approved
 - (A) certificate program,
 - (B) degree program, or
 - (C) integrated program,
 - (ii) the Nova Scotia Instructional Leadership Program.

Advanced Teacher's Certificate 3

40 The Registrar may grant an Advanced Teacher's Certificate 3 to a person who meets all of the following qualifications:

- (a) the academic and professional qualifications required for an Advanced Teacher's Certificate 2;
- (b) completion of 1 of the following:
 - (i) an approved
 - (A) certificate program,
 - (B) degree program, or
 - (C) integrated program,
 - (ii) the Nova Scotia Instructional Leadership Program;
- (c) if not completed as part of the requirements in clause (a) or (b), completion of a minimum of 6 credit hours of approved study in research methods or research literacy, or any combination of them, totalling 6 credit hours of approved study;

- (d) if not completed as part of the requirements in clause (a) or (b), an approved graduate degree from a recognized university.

Endorsation of teacher's certificates

41 (1) If the Registrar receives an application for a teacher's certificate from a person to whom a teacher's certificate has not previously been granted, the teacher's certificate that is granted under the post-July 31, 2000 certification system may be endorsed for any of the following:

- (a) elementary education;
 - (b) secondary education, by recognized subject field;
 - (c) both elementary and secondary education, if the secondary education subject fields are French, physical education, health education, or fine arts.
- (2)** The Registrar may grant a teacher's certificate with more than 1 endorsation referred to in subsection (1).
- (3)** The Registrar may include in the endorsation for secondary education referred to in clause (1)(b) a major or minor endorsation, as recognized by the Registrar.

Certificate holder retaining certificate until change of classification

42 (1) A person who has been granted a Teacher's Certificate Class 5 to 7 under the pre-August 1, 2000 certification system on or before July 31, 2000, must retain the class of teacher's certificate granted until the person fulfills the requirements to change the classification to obtain a higher class of teacher's certificate under Section 37 [44].

(2) A person who has been granted a Teacher's Certificate Class 1 to 4 under the pre-August 1, 2000 certification system on or before July 31, 2000 must retain the class of teacher's certificate granted until the person fulfills the requirements to change the classification to obtain a higher class of teacher's certificate under

- (a) Section 43, for obtaining a Teacher's Certificate Class 5; or
 - (b) Section[s] ~~44 to~~ [45 and] 46.
- (3)** Despite subsections (1) and (2), a person who has been granted a teacher's certificate under subsection 33(2) must retain the class of teacher's certificate granted until the person fulfills the requirements to change the classification to obtain a higher class of teacher's certificate in accordance with Sections 43 to 45.

Teacher's Certificate Class 4 holders who may obtain Teacher's Certificate Class 5

43 (1) This Section applies to a person who holds a Teacher's Certificate Class 4 granted under the pre-August 1, 2000 certification system and

- (a) has, on or after August 1, 2001, for the purpose of obtaining a Teacher's Certificate Class 5, under the pre-August 1, 2000 certification system,
 - (i) registered in an approved upgrading program, or
 - (ii) applied for a change in classification; and

- (b) received confirmation from the Minister or the Registrar that the registration under subclause (a)(i) or the application under subclause (a)(ii), was received on or after August 1, 2001.
- (2) Upon meeting all of the requirements in subsection (3), a person described in subsection (1) may receive, under the pre-August 1, 2000 certification system,
- (a) the change in the teacher certification classification; and
 - (b) a Teacher's Certificate Class 5.
- (3) A person described in subsection (1) must meet all of the following qualifications:
- (a) complete the upgrading program referred to in subclause (1)(a)(i);
 - (b) satisfy the prescribed requirements for the change in classification referred to in subclause (1)(a)(ii);
 - (c) satisfy the requirements for the class of teacher's certificate applied for.

Teacher's Certificate Class 5 to 7 holders subject to post-July 31, 2000 certification system

- 44 (1) This Section applies to a person who holds a Teacher's Certificate Class 5 to 7 granted under the pre-August 1, 2000 certification system and
- (a) has, on or after November 1, 2000,
 - (i) registered in an approved upgrading program, or
 - (ii) applied for a change in classification; and
 - (b) received confirmation from the Minister or the Registrar that the registration under subclause (a)(i) or the application under subclause (a)(ii) was received on or after November 1, 2000.
- (2) Upon completion of the requirements in subsection (3), a person described in subsection (1) must, in accordance with the progression of classifications of teacher's certificates from the pre-August 1, 2000 system to the post-July 31, 2000 certification system in Section 38 [47], receive all of the following under the post-July 31, 2000 certification system:
- (a) change in the teacher certification classification;
 - (b) teacher's certificate.
- (3) A person described in subsection (1) must meet all of the following qualifications:
- (a) complete the upgrading program referred to in subclause (1)(a)(i) under the post-July 31, 2000 certification system;
 - (b) satisfy the requirements prescribed under the post-July 31, 2000 certification system for the change in classification referred to in subclause (1)(a)(ii);
 - (c) satisfy the requirements for the class of teacher's certificate applied for.

Teacher's Certificate Class 1 to 3 holders subject to post-July 2000 certification system

- 45 (1)** This Section applies to a person who holds a Teacher's Certificate Class 1 to 3 granted under the pre-August 1, 2000 certification system and
- (a) has, on or after August 1, 2001,
 - (i) registered in an approved upgrading program, or
 - (ii) applied for a change in classification; and
 - (b) has received confirmation from the Minister or the Registrar that the registration under subclause (a)(i) or the application under subclause (a)(ii), was received on or after August 1, 2001.
- (2)** Upon meeting the requirements in subsection (3), a person described in subsection (1) must, in accordance with the progression of classifications of teachers' certificates from the pre-August 1, 2000 system to the post-July 31, 2000 certification system in Section 47, receive all of the following under the post-July 31, 2000 certification system:
- (a) change in the teacher certification classification;
 - (b) teacher's certificate.
- (3)** A person described in subsection (1) must meet all of the following qualifications:
- (a) complete the upgrading program referred to in subclause (1)(a)(i) under the post-July 31, 2000 certification system;
 - (b) satisfy the requirements prescribed under the post-July 31, 2000 certification system for the change in classification referred to in subclause (1)(a)(ii);
 - (c) satisfy the requirements for the class of teacher's certificate applied for.

Application of Sections 43-45 to person granted certificate under subsection 33(2)

- 46** A person referred to in Sections 42 to 45 includes a person who has been granted a teacher's certificate under subsection 33(2), and Sections 43 to 45 apply to the person in respect of an application to change their teacher certification classification.

Progression of classifications of teachers' certificates between certification systems

- 47** A change in classification from a classification level under the pre-August 1, 2000 classification system to the next higher level of classification under the post-July 31, 2000 classification system must be in accordance with the following order of levels of classifications:
- (a) from a Teacher's Certificate Class 1 to 3 to an Initial Teacher's Certificate;
 - (b) from a Teacher's Certificate Class 5 to an Advanced Teacher's Certificate 1;
 - (c) from a Teacher's Certificate Class 6 to an Advanced Teacher's Certificate Class 2;
 - (d) from a Teacher's Certificate Class 7 to an Advanced Teacher's Certificate Class 3.

Change in classifications of certificates within post-July 31, 2000 certification system

- 48 (1)** This Section applies to a person who has been granted a teacher's certificate under the post-July 31, 2000 certification system and
- (a) has, on or after August 1, 2000,
 - (i) registered in an approved upgrading program, or
 - (ii) applied for a change in teacher certification classification; and
 - (b) has received confirmation from the Minister or the Registrar that the registration under subclause (a)(i) or the application under subclause (a)(ii), was received on or after August 1, 2000.
- (2)** Upon completion of the requirements in subsection (3), a person described in subsection (1) must receive the following under the post-July 31, 2000 certification system in accordance with the progression of classifications of teacher's certificates in Section 34:
- (a) change in the teacher certification classification;
 - (b) teacher's certificate.
- (3)** A person described in subsection (1) must do all of the following:
- (a) complete the approved upgrading program referred to in subclause (1)(a)(i) under the post-July 31, 2000 certification system;
 - (b) satisfy the requirements prescribed under the post-July 31, 2000 certification system for the change in classification referred to in subclause (1)(a)(ii);
 - (c) satisfy the requirements for the class of teacher's certificate applied for.

Certificate holder under post-July 31, 2000 certification system completing upgrading program within 7 years of registration

- 49 (1)** This Section applies to a person who has
- (a) been granted a teacher's certificate under the post-July 31, 2000 certification system; and
 - (b) on or after August 1, 2000,
 - (i) registered in an approved upgrading program, and
 - (ii) applied for a change in classification on the condition of the completion of the approved upgrading program,
- (2)** Despite any other provision in the post-July 31, 2000 certification system, a person described in subsection (1) must only receive the change in classification if all of the following are completed no later than 7 years from the date of registration of the upgrading program:
- (a) [the] upgrading program referred to in subclause (1)(b)(i);
 - (b) the requirements prescribed under the post-July 31, 2000 certification system for the change in classification referred to in subclause (1)(b)(ii).

- (3) The Registrar may extend the 7-year time period referred to in subsection (2) for such further period as the Registrar determines, having regard to the matters the Registrar considers appropriate, including illness of the person referred to in subsection (1) and unavailability of a required course.

Pre-service teacher education program

- 50 (1)** Despite any other provision in the post-July 31, 2000 certification system, a person who is registered and in attendance in the undergraduate studies component of a pre-service teacher education program that commences on or after September 1, 1993, but not after August 31, 2000,
- (a) is subject to the requirements for teacher certification in effect as of the date the person registered and commenced attendance in the pre-service teacher education program, so long as the person completes all requirements for the teacher certification no later than 7 years after the date of registration and commencement of attendance; and
 - (b) must receive a teacher's certificate under the pre-August 1, 2000 certification system upon the Registrar being satisfied that the requirements under the pre-August 1, 2000 certification system for the class of teacher's certificate applied for have been met.
- (2) Despite any other provision in the post-July 31, 2000 certification system, a person who is registered and in attendance in the undergraduate studies component of a pre-service teacher education program in circumstances other than those referred to in subsection (1) is subject to the requirements for an Initial Teacher's Certificate under the post-July 31, 2000 certification system, and must receive a teacher's certificate under the post-July 31, 2000 certification system upon the Registrar being satisfied that the requirements for the class of teacher's certificate applied for have been met.
- (3) For greater certainty, this Section does not apply to a person who has been granted a teacher's certificate under subsection 33(2).

Assignment of teacher holding endorsed teacher's certificate

- 51 (1)** An education entity that engages a person who meets all of the following criteria must, in the person's first year of employment, assign the person to teach at the elementary level, namely grades primary to 6:
- (a) they holds a teacher's certificate endorsed in elementary education;
 - (b) they have not previously been employed on a term or probationary contract as a teacher in a public school.
- (2) An education entity that engages a person who meets all of the following criteria must, in the first person's first year of employment, assign the person to teach at the secondary level, namely grades 7 to 12, predominately in the subject fields for which the person's teacher's certificate is endorsed:
- (a) they hold a teacher's certificate endorsed in secondary education;
 - (b) they have not previously been employed on a term or probationary contract as a teacher in a public school.
- (3) Despite subsections (1) and (2), an education entity may assign a person who meets the criteria in subsection (1) or (2) to teach exclusively at the junior high level, namely grades 7 to 9.

Vocational Teacher's Permits and Teacher's Certificates

Vocational Teacher's Permit

- 52** (1) Except as provided in subsection (2), when a person who does not hold at least a Vocational Teacher's Certificate Class I has been appointed to the instructional staff of a vocational school, the Registrar may grant that person a vocational teacher's permit, valid for a period of 6 years from the date of appointment.
- (2) If a person who holds a vocational teacher's permit has not qualified for a vocational teacher's certificate within the term of the permit, the Registrar may extend the term of that person's permit.

Vocational Teacher's Certificate Class 1

- 53** The Registrar may issue a Vocational Teacher's Certificate Class I to a person if the Minister is satisfied that the person meets all of the following requirements:
- (a) they hold a Nova Scotia pass certificate of not lower than grade 11 or its equivalent;
 - (b) they have, in 1 occupation, a total of at least 8 years of recognized work training and recognized work experience, in which total there is at least 1 year of recognized work training and at least 4 years of recognized work experience;
 - (c) they have successfully completed teacher training courses requiring the equivalent of 3/5 of the study of a university year, including all of the following:
 - (i) a course in principles and practices of vocational education, requiring study equivalent to at least 1/15 of a university year,
 - (ii) a course in teaching methods in vocational education requiring study equivalent to at least 3/15 of a university year,
 - (iii) a course in job analysis and vocational course construction, including the successful construction of a vocational course specific to the occupation in which the person has established work training and work experience, as required in clause (b), requiring study equivalent to at least 1/15 of a university year,
 - (iv) a course in setting and evaluating examinations for the purpose of determining achievement of occupational skills and knowledge requiring study equivalent to at least 1/15 of a university year,
 - (v) a course in guidance requiring study equivalent to at least 1/15 of a university year,
 - (vi) a course in educational psychology requiring study equivalent to at least 2/15 of a university year or courses in both educational and general psychology, each of which requires study of at least 1/15 of a university year;
 - (d) they have at least 3 years of successful teaching experience in a vocational school in the Province or its recognized equivalent.

Vocational Teacher's Certificate Class II

- 54** The Registrar may issue a Vocational Teacher's Certificate Class II to a person if the Registrar is satisfied that the person meets all of the following qualifications:
- (a) they meet 1 of the following requirements:

- (i) they hold a Nova Scotia pass certificate of not lower than grade 12, or its equivalent,
 - (ii) they have successfully completed 1 year of university work consisting of not less than 5 approved academic courses,
 - (iii) they have successfully completed 1/2 of the courses needed to qualify for a Diploma of Technology or Applied Arts;
- (b) they have, in 1 occupation, a total of at least 8 years of recognized work training and recognized work experience, in which total there is at least 1 year of recognized work training and at least 4 years of recognized work experience;
- (c) they have successfully completed teacher training courses requiring the equivalent of 4/5 of the study of a university year, including all of the following:
- (i) a course in principles and practices of vocational education, requiring study equivalent to at least 1/15 of a university year,
 - (ii) a course in teaching methods in vocational education, requiring study equivalent to at least 3/15 of a university year,
 - (iii) a course in job analysis and vocational course construction including the successful construction of a vocational course specific to the occupation in which the person has established work training and work experience, as required in clause (b), requiring study equivalent to at least 1/15 of a university year,
 - (iv) a course in setting and evaluating examinations for the purpose of determining achievement of occupational skills and knowledge, requiring study equivalent to at least 1/15 of a university year,
 - (v) a course in guidance requiring study equivalent to at least 1/15 of a university year,
 - (vi) a course in educational psychology requiring study equivalent to at least 2/15 of a university year or courses in both educational and general psychology, each of which requires study of at least 1/15 of a university year;
- (d) they have at least 3 years of successful experience in a vocational school in the Province or its recognized equivalent.

Vocational Teacher's Certificate Class III

55 The Registrar may issue a Vocational Teacher's Certificate Class III to a person if the Registrar is satisfied that the person meets all of the following qualifications:

- (a) they have the academic qualifications required for a Vocational Teacher's Certificate Class II;
- (b) they have successfully completed 1 of the following:
 - (i) an additional 1 year of university work consisting of not less than 5 approved academic courses,
 - (ii) the courses required for a Diploma of Technology or of Applied Arts,
 - (iii) the Nova Scotia Summer School Block Program in educational leadership,

- (iv) an additional 1 year of approved courses consisting of not more than 3 academic university courses and not less than 2 courses in the field of pedagogy or technical vocational training;
- (c) they have, in 1 occupation, a total of at least 8 years of recognized work training and recognized work experience, in which total there is at least 1 year of recognized work training and at least 4 years of recognized work experience;
- (d) they have successfully completed teacher training courses requiring the equivalent of the study of 1 university year, including all of the following:
 - (i) a course in principles and practices of vocational education, requiring study equivalent to at least 1/15 of a university year,
 - (ii) a course in teaching methods in vocational education, requiring study equivalent to at least 3/15 of a university year,
 - (iii) a course in job analysis and vocational course construction including the successful construction of a vocational course specific to the occupation in which the person has established work training and work experience, as required in clause ~~(b)~~ [(c)], requiring study equivalent to at least 1/15 of a university year,
 - (iv) a course in setting and evaluating examinations for the purpose of determining achievement of occupational skills and knowledge, requiring study equivalent to at least 1/15 of a university year,
 - (v) a course in guidance requiring study equivalent to at least 1/15 of a university year,
 - (vi) a course in educational psychology requiring study equivalent to at least 2/15 of a university year or courses in both educational and general psychology, each of which requires study of at least 1/15 of a university year;
- (e) they have at least 3 years of successful teaching experience in a vocational school in the Province or its recognized equivalent.

Vocational Teacher's Certificate Class IV

56 The Registrar may issue a Vocational Teacher's Certificate Class IV to a person if the Registrar is satisfied that the person meets all of the following qualifications:

- (a) they have the academic qualifications required for a Vocational Teacher's Certificate Class III;
- (b) they have successfully completed 1 of the following:
 - (i) an additional 1 year of university work consisting of not less than 5 approved academic courses,
 - (ii) the Nova Scotia Summer School Block Program in educational leadership,
 - (iii) an additional 1 year of approved courses consisting of not more than 2 academic university courses and not less than 3 courses in the field of pedagogy or technical vocational training;

- (c) they have, in 1 occupation, a total of at least 8 years of recognized work training and recognized work experience, in which total there is at least 1 year of recognized work training and at least 4 years of recognized work experience;
- (d) they have successfully completed teacher training courses requiring the equivalent of the study of 1 university year, including all of the following:
 - (i) a course in principles and practices of vocational education, requiring study equivalent to at least 1/15 of a university year,
 - (ii) a course in teaching methods in vocational education, requiring study equivalent to at least 3/15 of a university year,
 - (iii) a course in job analysis and vocational course construction including the successful construction of a vocational course specific to the occupation in which the person has established work training and work experience, as required in clause ~~(b)~~ [(c)], requiring study equivalent to at least 1/15 of a university year,
 - (iv) a course in setting and evaluating examinations for the purpose of determining achievement of occupational skills and knowledge, requiring study equivalent to at least 1/15 of a university year,
 - (v) a course in guidance requiring study equivalent to at least 1/15 of a university year,
 - (vi) a course in educational psychology requiring study equivalent to at least 2/15 of a university year or courses in both educational and general psychology, each of which requires study of at least 1/15 of a university year; and
- (e) they have at least 3 years of successful teaching experience in a vocational school in the Province or its recognized equivalent.

Teaching experience in lieu of work experience

57 Despite the work experience requirements in clauses 53(b), 54(b), 55(c) and 56(c), in special and exceptional cases the Registrar in the Registrar's discretion may accept, on a year for year basis, no more than 3 additional years of successful teaching experience in lieu of work experience if the Registrar is otherwise satisfied that the person meets the qualifications for the class of vocational teacher's certificate applied for.

Courses in vocational training from 1966-1971

58 Despite Sections 51 to 57, the Registrar may issue a Vocational Teacher's Certificate to any of the following persons if the Registrar is satisfied that the person

- (a) began courses in vocational teacher training before June 30, 1966, and would qualify for a Vocational Teacher's Certificate under the regulations in effect on July 30, 1966;
- (b) began courses in vocational teacher training between June 30, 1966, and June 30, 1969, and would qualify for a Vocational Teacher's Certificate under the regulations in effect as of July 30, 1969;
- (c) began courses in vocational teacher training between June 30, 1969, and June 30, 1971, and would qualify for a Vocational Teacher's Certificate under the regulations in effect as of April 16, 1972.

Special Certificates and Specialist Certificates

Special certificates

- 59** (1) The Registrar may grant a special certificate of the appropriate class of teacher's certificate in the fields of social service related to education, testing services, school library services, or teaching the visually or hearing impaired, to a person who does not otherwise qualify for a teacher's certificate who has completed the minimum qualifications, as determined by the Registrar, in the field for which the application is made.
- (2) A certificate granted under subsection (1) is a permanent certificate.
- (3) For the purpose of determining the salary of a person to whom a special certificate is granted under this Section, the Minister may recognize the employment of the person in the particular field of employment for which the certificate is granted, and that employment must be recognized for salary purposes provided that the person continues to be employed in the field for which the certificate is granted and the person held, or was eligible to hold, teacher certification in the Province at the time that the previous employment was completed.

Specialist certificates

- 60** (1) A person who meets all of the following conditions continues to hold a permanent Specialist Certificate of the class granted:
- (a) they hold a permanent Specialist Certificate for the teaching of students with physical or mental disabilities, granted by the Minister under Section 49 of the regulations made by the Governor in Council under the former Act that were in force immediately before June 24, 1997;
- (b) they are employed as a teacher.
- (2) For the purpose of determining the salary of a person whose Specialist Certificate is continued under subsection (1), the Minister may recognize the employment of the person, properly certified in a particular field of employment relating to students with physical or mental disabilities, and such employment must not be recognized for salary purposes unless the person continues to be employed as a teacher of students with physical or mental disabilities.

N.S. Reg. 59/2018

Made: March 29, 2018

Filed: April 3, 2018

Ministerial Education Act Regulations

Order dated March 29, 2018

Regulations made by the Minister of Education and Early Childhood Development
pursuant to Section 97 of the *Education Act***In the matter of Section 97 of Schedule A, the *Education Act*,
to Chapter 1 of the Acts of 2018,
the *Education Reform (2018) Act*****-and-****In the matter of new regulations respecting the *Education Act*
made by the Minister of Education and Early Childhood Development****Order**

I, Zach Churchill, Minister of Education and Early Childhood Development for the Province of Nova Scotia, pursuant to Section 97 of Schedule A, the *Education Act*, to Chapter 1 of the Acts of 2018, the *Education Reform (2108) Act*, hereby make new regulations respecting the *Education Act*, in the form set forth in the attached Schedule "A".

This order is effective on and after April 1, 2018.

Dated and made March 29, 2018, at Halifax Regional Municipality, Province of Nova Scotia.

sgd: *Zach Churchill*

Honourable Zach Churchill

Minister of Education and Early Childhood Development

Schedule "A"**Regulations respecting the *Education Act*
made by the Minister of Education and Early Childhood Development
under Section 97 of Schedule A, the *Education Act*,
to Chapter 1 of the Acts of 2018, the *Education Reform (2018) Act*****Citation****1** These regulations may be cited as the *Ministerial Education Act Regulations*.**Definitions****2** In these regulations,"Act" means the *Education Act*;

"Book Bureau" means the Nova Scotia Book Bureau described in Section 25;

"Christmas vacation" means the vacation described in Section 12;

“school day” means any day other than Saturday, Sunday or a school holiday;

“school holiday” means any of the following:

- (i) Nova Scotia Heritage Day,
- (ii) Good Friday,
- (iii) Easter Monday,
- (iv) Victoria Day,
- (v) Labour Day,
- (vi) Thanksgiving Day,
- (vii) Remembrance Day,
- (viii) any day during the Christmas vacation,
- (ix) any day during the spring vacation;

“spring vacation means the vacation described in Section 13;

“student with special needs” means a student who meets all of the following criteria:

- (i) they are identified by a regional centre as requiring additional program planning in the learning process to meet the student’s needs,
- (ii) they are enrolled in and receiving an education program provided by a regional centre for which the Program Planning Process has been initiated and followed in accordance with the Nova Scotia Special Education Policy.

Public School Program

Required instruction and courses—grades primary to 6

3 Each education entity must provide, as part of the public school program, in each school under its jurisdiction, instruction in the courses prescribed by the Minister in all of the following for grades primary to 6, inclusive:

- (a) language arts;
- (b) health;
- (c) science;
- (d) mathematics;
- (e) social studies;
- (f) physical education;
- (g) music;

- (h) art;
- (i) 1 of the following:
 - (i) for students served by the education entities other than the Conseil scolaire acadien provincial, core French, beginning at grade 4;
 - (ii) for students served by the Conseil scolaire acadien provincial, English language arts, beginning at grade 3.

Required instruction and courses—grades 7 to 9

4 Each education entity must provide, as part of the public school program, in each school under its jurisdiction, instruction in the courses prescribed by the Minister in all of the following subjects for grades 7 to 9, inclusive:

- (a) English;
- (b) French;
- (c) personal development and relationships;
- (d) science;
- (e) mathematics;
- (f) social studies;
- (g) physical education;
- (h) 2 of the following:
 - (i) industrial arts technology,
 - (ii) family studies,
 - (iii) fine arts.

Required instruction and courses—grades 10 to 12

5 (1) Each education entity must provide, as part of the public school program, in each school under its jurisdiction, instruction in the courses prescribed by the Minister in all of the following subjects for grades 10 to 12, inclusive:

- (a) English;
- (b) French;
- (c) sciences;
- (d) social studies;
- (e) mathematics;
- (f) physical education;

- (g) technology.
- (2) Each education entity must provide, as part of the public school program, but not necessarily in every school under its jurisdiction, instruction in the courses prescribed by the Minister in all of the following subjects in grades 10 to 12, inclusive:
- (a) music;
 - (b) art;
 - (c) family studies;
 - (d) entrepreneurship;
 - (e) business education;
 - (f) industrial arts technology.

Required instruction and courses—high school level

- 6 Each education entity must provide, as part of the public school program, in each school under its jurisdiction, instruction in all of the following at the high school level:
- (a) Career and Life Management;
 - (b) Physically Active Lifestyles;
 - (c) any other course required by the Minister.

Required programming and services for students with special needs

- 7 Each education entity must provide, as part of the public school program, in each school under its jurisdiction, programming and services for students with special needs.

Optional courses, programs and services

- 8 Each education entity may provide, as part of the public school program, any of the following:
- (a) comprehensive guidance programs and services;
 - (b) school library programs and services;
 - (c) other courses and programs approved by the Minister.

French programs

- 9 Each regional centre may provide, as part of the public school program, any of the following programs:
- (a) French immersion programs;
 - (b) extended core French programs.

Descriptions of course material published

- 10 The Minister may publish a description of the courses of study, textbooks and related material prescribed by the Minister for use in the public school program, and any administrative instructions and orders the Minister considers necessary for the effective use of the courses, textbooks and related material.

School year

- 11 (1) The school year consists of 195 school days.
- (2) Public schools must open each year no earlier than September 1 and no later than the Wednesday following Labour Day.
- (3) Public schools must close each year no later than June 30.
- (4) A classroom may not be in operation for more than 195 days in a school year, and a teacher may not teach or claim credit for more than 195 days in a school year.
- (5) If the 195th school day in any school year falls on a Monday, an education entity may declare that the 195th school day be observed on the Saturday immediately before the Monday.

Christmas vacation

- 12 The Christmas vacation must begin no earlier than and end no later than dates fixed in each school year by the Minister, and must consist of all of the following:
- (a) Christmas Day;
- (b) New Year's Day;
- (c) no fewer than 5 and no more than 10 additional weekdays.

Spring vacation

- 13 The spring vacation must consist of 5 consecutive weekdays in March, or another month, on dates determined by the Minister.

Hours of teaching defined

- 14 For the purposes of the public school program,

“hours of teaching” means time during which students are under instruction or otherwise under control or supervision by a teacher, but does not include time spent by a teacher marking tests or examination papers for grading and classifying students when no students are present or under the teacher's control.

Minimum hours of teaching

- 15 (1) Except as otherwise provided in these regulations, there must be at least 5 hours of teaching in each classroom on each school day.
- (2) For the purpose of calculating an instructional day under subsection (1), a regional centre
- (a) may, except as provided under clause (b), include a recess of no more than 15 minutes for any class or classes on each school day;
- (b) must not include recess for any high school class or classes.

Primary grade hours of teaching

- 16 (1) A regional centre may direct that the total number of hours of teaching time scheduled in a school year for students in the primary grade is at least the product of 4 hours times the number of days in which teaching is scheduled for students in other grades in the school.

- (2) The hours of teaching scheduled under subsection (1) must be provided on each school day and may be scheduled during any part of the time in which students in other grades are receiving instruction.

Maximum hours of teaching directed

17 A regional centre may direct that no more than 6 hours of teaching be provided on each school day in any classroom.

Dismissing classes for health and safety of students

- 18 (1) If a regional centre is of the opinion that it is necessary for the health and safety of students for a class or classes of students under its jurisdiction to be dismissed, the regional centre may dismiss some or all of the classes in a school.
- (2) If a class is dismissed under subsection (1) after school has been in session for 3 hours or more on a day, that day is deemed to be a school day for the class for the purposes of the Act and its regulations.
- (3) If a class is dismissed under subsection (1) before school is in session for 3 hours on a day, that day is deemed not to be a school day for the class for the purposes of the Act and its regulations.

Closing school for school day

- 19 (1) With the approval of the Minister, a regional executive director may order that a school be closed on a school day.
- (2) When a classroom is not operated on a school day and the teacher cannot claim the day as a school day for the purpose of calculating service under the *Governor in Council Education Act Regulations* made under the Act, school may be taught, with the approval of the Minister, on any of the following days not regularly included in the school year:
- (a) the days included in the spring vacation;
 - (b) no more than 3 Saturdays during a school year,

Hours of teaching directed for certain classes

- 20 A regional centre may direct that no more than 4 hours of teaching be provided on each school day for any of the following classes:
- (a) class for students in grades 1 or 2;
 - (b) each class in which 2 classes are taught at different periods on the same day in 1 classroom.

School travel programs

- 21 (1) A regional centre may, at its discretion, approve participation by its staff and students in school travel programs within the Province, within Canada or outside Canada, if all of the following conditions are met:
- (a) a teacher or a student is only away from the school for 15 or fewer school days, unless a greater number of days is approved by the regional executive director in consultation with the Department;
 - (b) a parent of a participating student is informed of the purpose and nature of the school travel program and is given a detailed itinerary of the program;
 - (c) the parent of a participating student consents to their child's participation;

- (d) the regional centre is satisfied that the educational benefits of the program are equivalent to those that would be received by the students during the same period of time in the classroom setting.
- (2) Any teacher who accompanies students on a school travel program approved under subsection (1) is considered to be performing their normal duties as a teacher during those days, and those days are reckoned as days taught.
- (3) A student or teacher must not take part in more than 1 school travel program in any 1 school year without the express consent of the regional centre.

Administration of evaluation and assessment programs

22 A regional centre is responsible for causing the administration of evaluation and assessment programs required by the Minister and any evaluation and assessment programs established by the regional centre.

Placement of students by regional centres

- 23** (1) Subject to subsection (2), a regional centre must determine the appropriate placement of students under its jurisdiction.
- (2) In the case of the placement of a student with special needs, the obligation of a regional centre under subsection (1) is subject to all of the following:
- (a) any appeal procedure established by the regional centre;
 - (b) any appeal made under clause 48(2)(c).

Policy for review of student's progress

- 24** (1) A regional centre may establish a policy setting out the terms and conditions under which a review of a student's progress in the student's school program, including academic performance, must be conducted.
- (2) A policy established under subsection (1) must be consistent with any Provincial policy on the subject.

Nova Scotia School Book Bureau

25 The Nova Scotia School Book Bureau is a section of the Department responsible for the purchase, sale and distribution of school books and related teaching-learning materials.

Books provided to educational entities by Book Bureau

- 26** (1) The Minister may assign credit with the Book Bureau to an education entity for each fiscal year, in an amount determined by the Minister.
- (2) The Book Bureau must provide an education entity with textbooks and other teaching-learning materials prescribed by the Minister for use in grades primary to 12, inclusive, up to the education entity's assigned credit with the Book Bureau in each fiscal year.
- (3) Books provided by the Book Bureau to an education entity are the property of the education entity and are for the use of students enrolled in the school or schools under its jurisdiction.
- (4) An education entity must not sell or rent any books or related material provided by the Book Bureau under this Section.

Sale of books by Book Bureau

- 27 (1) The Book Bureau may sell books or other teaching-learning materials for grades primary to 12, inclusive, at the list price fixed by the Minister, plus shipping costs.
- (2) The Book Bureau may restrict the sale of certain books and materials because of the amount available in inventory and quantity ordered.

Return of books and materials to Book Bureau

- 28 Books and materials purchased from the Book Bureau may not be returned for credit, exchange or refund except with the prior approval of the Book Bureau supervisor.

Replacement of defective new books by Book Bureau

- 29 Defective new books provided by the Book Bureau to an education entity under that entity's annual assigned credit must be replaced by the Book Bureau upon return of the books to the Book Bureau.

Council on Mi'kmaq Education**Definition of "Council"**

- 30 In Sections 31 to 37, "Council" means the Council on Mi'kmaq Education.

Council membership

- 31 The Council must consist of no more than 15 members appointed by the Minister, including all of the following members:

- (a) at least 4, but no more than 6, persons recommended by First Nation organizations including all of the following:
 - (i) the Native Council of Nova Scotia,
 - (ii) the Union of Nova Scotia Indians,
 - (iii) the Confederacy of Mainland Mi'kmaq,
 - (iv) the Nova Scotia Native Women's Association,
 - (v) the Mi'kmaw Kina'matnewey;
- (b) up to 7 regional Mi'kmaq representatives, each representing 1 or more of the school regions served by a regional centre, appointed after consultation with the Mi'kmaq community and the regional executive director of a regional centre;
- (c) up to 3 members at large representing the Mi'kmaq community.

Members' terms of office

- 32 The members of the Council hold office for the following terms:

- (a) for members appointed under clauses 31(a) and (c), 3 years;
- (b) for members appointed under clause 31(b), for the term specified in their appointment.

Quorum for meeting of Council

- 33 A majority of the total members of the Council constitutes a quorum.

Replacement of Council member

34 If a member of the Council dies, resigns or is unavailable, unable or unwilling to act, the Council must request that the Minister appoint a person to act for the unexpired term of that member.

Council to establish own rules

35 The Council may establish rules respecting its operations and administration.

Additional duties of Council

36 The following are the additional duties of the Council prescribed under clause 17(2)(c) of the Act:

- (a) providing guidance to the Minister on the development, implementation, evaluation and funding of educational programs and services for Mi'kmaq students in the public school system;
- (b) in respect of the public school program and Mi'kmaq students, advising the Minister on the development of appropriate curricula reflecting Mi'kmaq history, language, heritage, culture, traditions and contributions to society;
- (c) in respect of the public school program and non-Indigenous students, advising the Minister on the development of appropriate curricula reflecting Mi'kmaq history, language, heritage, culture, traditions and contributions to society;
- (d) in respect of the public school program, advising the Minister respecting the development of Mi'kmaq language arts courses for Mi'kmaq students and Mi'kmaq language arts courses for non-Indigenous students;
- (e) advising the Minister respecting the adequacy of the information about the Mi'kmaq Nation and other First Nations found in existing curricula, and providing suggestions for change as needed;
- (f) advising the Minister on how the programs and services of the Department are meeting the needs of Mi'kmaq students in the public schools and how they may be improved to better serve Mi'kmaq students;
- (g) making recommendations to the Minister regarding cross-cultural issues, learning styles and assessment practices and how these may be supported in the public education system;
- (h) recommending policies, initiatives and ideas to the Minister that foster the educational development of Mi'kmaq students and the advancement of Mi'kmaq education;
- (i) making recommendations to the Minister respecting research on matters relevant to the education of Mi'kmaq students.

Council recommendations for appointments

37 The Council may recommend to the Minister of Labour and Advanced Education the names of persons to be considered for appointment to the following:

- (a) the Board of Governors of the Nova Scotia Community College;
- (b) the Nova Scotia Council on Higher Education.

Council on African-Canadian Education

Definitions for Sections 39 to 46

38 In Sections 39 to 46,

“Black Learners Advisory Committee (BLAC)” means the Committee on Education for Black Learners established in 1990 to investigate and report on the education of Black Nova Scotians, and to make recommendations for improvement in the provision of programs and services for Black learners;

“Council” means the Council on African-Canadian Education;

“Division” means the African Canadian Services Division of the Department;

“regional education committee” means the committee representing the African Nova Scotian community in each of the geographic regions listed in clause 39(1)(b) and charged with recommending council member candidates for consideration by the Minister.

Council membership

39 (1) The Council must consist of no more than 17 members appointed by the Minister, including all of the following members:

- (a) at least 4, but no more than 6, persons recommended by Provincial organizations of the African Nova Scotian community, including the African United Baptist Association, the Black Educators Association and the Black Cultural Society;
- (b) 1 person representing the African Nova Scotian community in each of the following geographic areas of the Province:
 - (i) Antigonish-Guysborough,
 - (ii) Cape Breton, composed of Richmond County, Inverness County, Victoria County and Cape Breton Regional Municipality,
 - (iii) Northern Region, composed of the counties of Cumberland, Colchester and Pictou,
 - (iv) Valley Region, composed of the counties of Kings, Hants and Annapolis,
 - (v) Southwest Nova, composed of the counties of Lunenburg, Shelburne, Yarmouth and Digby, and the Region of Queens Municipality,
 - (vi) Halifax, composed of the former City of Halifax, the former Town of Bedford and that area of the former County of Halifax that is on the former Halifax City side of the harbour,
 - (vii) Dartmouth, composed of the former city of Dartmouth and the former County of Halifax on the former Dartmouth side of the harbour;
- (c) at least 4, but no more than 6, members at large representing the African Nova Scotian community.

(2) Before appointments to the Council are made under clause (1)(b), the Minister must consider the names of persons recommended by the following:

- (a) the regional education committees concerned with African Canadian education;
- (b) the Council.

Members' terms of office

40 (1) A member of the Council is appointed for a term of 3 years.

(2) A member of the Council is eligible for re-appointment when their term of office expires.

Quorum for meeting of Council

41 A majority of the total number of members of the Council constitutes a quorum.

Replacement of Council member

42 If a member of the Council dies, resigns or is unavailable, unable or unwilling to act, the Council must request that the Minister appoint a person to act for the unexpired term of that member.

Council to establish own rules

43 The Council must establish rules respecting its operations and administration.

Additional duties of Council

44 The following are the additional duties of the Council prescribed under clause 19(2)(c) of the Act:

- (a) in respect of the Black Learners Advisory Committee Final Report, providing guidance to the Minister on the development, implementation, evaluation and funding of educational programs and services for Black learners;
- (b) advising the Minister how the programs and services of the Division are meeting the needs of Black learners, and how they may be improved to better serve Black learners;
- (c) recommending policies, initiatives and ideas to the Minister that foster the educational development of Black learners and advance African Canadian education;
- (d) soliciting the views of members of Black communities across the Province respecting the education of Black learners, and bringing matters of interest and concern to the attention of the Minister;
- (e) making recommendations to the Minister in respect of research on matters relevant to Black learners;
- (f) if possible, participating in education planning on committees and commissions related to African Canadian education;
- (g) liaising with the Division in respect of its programs and services to Black learners;
- (h) advising the Minister on the establishment, role and ongoing operations of an Afrocentric Learning Institute;
- (i) supporting the regional educators program as a community-based resource and reviewing its activities on an annual basis with the Minister and the organization responsible for the program;
- (j) advising the Minister on the Black Incentive Fund and making recommendations respecting other scholarships and initiatives to support Black learners.

Council recommendations for appointments

45 The Council must recommend to the Minister of Labour and Advanced Education the names of persons to be considered for appointment to the following:

- (a) the Board of Governors of the Nova Scotia Community College;
- (b) the Nova Scotia Council on Higher Education.

Reports on Division to Council

46 The Division must send the Council reports describing the activities and operations of the Division on a quarterly basis.

Appeal Process—Individualized Program Plan for Student with Special Needs**Definition for Sections 48 to 55**

47 In Sections 48 to 55,

“board of appeal” means a board established by the Minister to conduct a hearing into a dispute specified in Section 48.

Request for appeal

- 48 (1) If a dispute occurs between the parent of a student with special needs and the staff of a regional centre regarding an individualized program plan for the student, and the dispute is not resolved by the regional centre’s appeal process, the parent or regional centre may request, in writing, that the Minister establish a board of appeal to provide a ruling on the matter.
- (2) On request under subsection (1), a board of appeal may be established only if the dispute concerns 1 of the following:
- (a) a decision by a regional centre not to proceed with the development of an individualized program plan for a student with special needs;
 - (b) the proposed or existing individualized program plan outcomes for a student with special needs;
 - (c) the proposed or existing placement of a student with special needs in respect of the education programs provided by the regional centre.
- (3) A request for a board of appeal ruling must be made no later than 30 days after the date of the decision, or the conclusion of the regional centre’s appeal process, whichever is later, in respect of the matter in dispute.

Establishing board of appeal

- 49 (1) On receiving a request in accordance with Section 48, the Minister may, as soon as practicable, establish a board of appeal to hear the appeal.
- (2) A board of appeal must consist of the 3 following members:
- (a) 1 member named by the regional executive director, who is not the regional executive director or an employee of the regional centre and who was not providing services to the regional centre at the time of, or at any time within the 3 years immediately before the date of, the request for the appeal;

- (b) 1 member named by the parent of the student with special needs involved in the matter, who is not a parent or relative of the student and who was not providing services to a parent of the student in respect of the student at the time of, or at any time within the 3 years before the date of, the request for the appeal;
 - (c) 1 member named by the Minister, who is not an employee of the Minister or the Province.
- (3) The chair of a board of appeal is the member named by the Minister.

Scheduling hearing of appeal

- 50 (1) The chair of a board of appeal must fix a time and place for the hearing of an appeal.
- (2) The chair of a board of appeal may determine the duration of a hearing.
 - (3) The chair of a board of appeal may request any of the following in advance of a hearing:
 - (a) records and documentation that are to be submitted at the hearing;
 - (b) the names of persons whom the parties wish to attend in support of either of the parties.

Hearing not open to public

- 51 A hearing of a board of appeal is not open to the public and no person is permitted to be present other than the parties, their counsel and any other persons the chair of the board may require or permit to be present.

Conducting hearing

- 52 (1) The parties may be represented at a hearing of a board of appeal by counsel or any other person permitted at the hearing under Section 51.
- (2) A board of appeal must observe the confidentiality of all documents and records.
 - (3) The chair of a board of appeal may adjourn any hearing at any time and from time to time.
 - (4) The chair of a board of appeal must determine all questions arising during a hearing respecting procedure or admissibility of evidence.

Actions of board of appeal on completion of hearing

- 53 (1) On completion of a hearing, a board of appeal must do 1 of the following:
- (a) for a dispute concerning a matter specified in clause 48(2)(a),
 - (i) confirm the regional centre's decision not to proceed with development of an individualized program plan for the student, or
 - (ii) order the regional centre to proceed with the development of an individualized program plan for the student;
 - (b) for a dispute concerning a matter specified in clause 48(2)(b),
 - (i) confirm the proposed or existing individualized program plan outcomes for the student, or
 - (ii) order modification of the proposed or existing individualized program plan outcomes for the student;

- (c) for a dispute concerning a matter specified in clause 48(2)(c),
 - (i) confirm the regional centre's placement of the student in respect of the education programs provided by the regional centre, or
 - (ii) order a change in the placement of the student in respect of the public school programs provided by the regional centre.
- (2) On completion of a hearing, a board of appeal may order the costs of the appeal to be apportioned between the regional centre and the parent.

Decision of board of appeal

- 54 (1)** A board of appeal's decision must be written by the chair of the board and include written reasons for the decision.
- (2) A board of appeal's decision must be made and delivered to the parties and the Minister no later than 60 days after the date the board is established, or as soon after the 60 days as is practicable.

Order of board of appeal is final

- 55** A decision made by a Board of Appeal is final and binding upon all parties to the dispute.

Senior Staff of Regional Centres**Definitions of senior staff of regional centres**

- 56 (1)** In the Act and its regulations, "senior staff" of [a] regional centre, other than the Tri-County Regional Centre, means all of the following:
- (a) regional executive director, whose responsibilities respecting the administrative structure are specified in clause 57(1)(a);
 - (b) director of the programs and student services department specified in clause 58(a), to be titled the Director of Programs and Student Services;
 - (c) director of the operational services department specified in clause 58(b), to be titled the Director of Operational Services;
 - (d) director of the human resources services department specified in clause 58(c), to be titled the Director of Human Resources Services;
 - (e) director of the financial services department specified in clause 58(d), to be titled the Director of Financial Services.
- (2) In the Act and its regulations, "senior staff" of the Tri-County Regional Centre means the senior staff set out in clauses (1)(a) to (d).

Administrative structure for senior staff of regional centres and related requirements

- 57 (1)** The administrative structure for senior staff of a regional centre, other than the Tri-County Regional Centre, is composed of all of the following:
- (a) the office of regional executive director and the regional executive director who holds the office, who has all of the following responsibilities respecting the administrative structure:

- (i) overall responsibility for all of the departments in the administrative structure and supervision of the directors of those departments,
 - (ii) responsibility for functions in all of the following categories:
 - (A) community relations,
 - (B) strategic and business planning,
 - (C) communications,
 - (D) accountability standards,
 - (E) continuous improvement framework;
 - (b) the departments specified in Section 58 and the directors of those departments.
- (2) The administrative structure for senior staff of the Tri-County Regional Centre is composed of all of the following:
- (a) the office of regional executive director and the regional executive director, as specified in clause (1)(a);
 - (b) the departments specified in clauses 58(a) to (c), and the directors of those departments.
- (3) A director of a department is responsible only for the department that they direct and must not hold more than 1 senior staff position.

Departments within administrative structure

58 The following departments must be included in a regional centre's senior staff administrative structure in accordance with Section 57:

- (a) a programs and student services department, which has functions in all of the following categories:
 - (i) student services,
 - (ii) implementation of the Provincial curriculum,
 - (iii) race relations, cross-cultural understanding and human rights,
 - (iv) education quality and accountability,
 - (v) principal support in programs and student services,
 - (vi) on behalf of the regional executive director or a director designated by the regional executive director, 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,

- (x) community education and adult education, if applicable,
- (xi) any additional student-related programs and services offered by the regional centre;
- (b) an operational services department, which has functions in all of the following categories:
 - (i) facilities management, including community access,
 - (ii) capital construction and additions and alterations,
 - (iii) transportation of students,
 - (iv) technology,
 - (v) principal support in operations;
- (c) a human resources services department, which has functions in all of the following 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,
 - (x) principal support in human resources;
- (d) a financial services department, which has functions in all of the following categories:
 - (i) budgets,
 - (ii) accounting, including payroll,
 - (iii) insurance risk,
 - (iv) procurement,
 - (v) audit support,
 - (vi) principal support in finance,

- (vii) school-based funds management.

Variances in administrative structure

- 59 (1)** Except as provided in subsection (3), the Minister may approve a variance of any requirement for a regional centre's senior staff administrative structure in Sections 56 to 58 for any period of time and on terms and conditions the Minister considers appropriate.
- (2)** A regional centre's senior staff administrative structure that is varied under subsection (1) must be at least as effective as the administrative structure required by Section 57 in enabling the regional centre to do all of the following:
- (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;
 - (e) be adaptable and flexible to address emerging needs.
- (3)** The following requirements may not be varied under this Section:
- (a) the requirement in Section 56 to include the senior staff position of director of the programs and student services department and to include the office of regional executive director as a senior staff position;
 - (b) the requirement in Section 57 to have a department of programs and student services.

Conflict of Interest Policy

Definitions for Sections 61 to 67

- 60 (1)** In Sections 61 to 67,

“conflict of interest” means any situation in which a staff person, either on their own behalf or on behalf of another person, attempts to promote a private or personal interest in a manner that results in any of the following:

- (i) interference with the objective exercise of the staff person's duties,
- (ii) a gain or advantage to the staff person or other person by virtue of the staff person's position with the regional centre;

“regional centre conflict of interest policy” means a regional conflict of interest policy established for the staff of a regional centre in accordance with this Section;

“staff” or “staff person” means staff or a staff person of a regional centre.

- (2)** A regional executive director referred to in Sections 61 to 67 includes any director designated by the regional executive director for the purposes of the regional conflict of interest policy.

Duties of regional executive director

- 61** A regional executive director must promote and ensure compliance with the regional centre's regional conflict of interest policy and is responsible for all of the following:
- (a) administering the policy with respect to the centre's staff, other than the regional executive director;
 - (b) ensuring that the centre's staff are informed of the requirements of the policy;
 - (c) determining whether a conflict of interest exists in cases where a staff person and the person's supervisor disagree, and what actions, if any, are to be taken;
 - (d) establishing procedures for staff to report a conflict of interest to their supervisors.

Communication of policy

- 62** (1) A regional centre must prepare information and educational materials for its staff about its regional conflict of interest policy and arrange for the communication of the policy to staff.
- (2) A regional centre must provide each staff person with a copy of its regional centre conflict of interest policy.

Disagreement about compliance referred to regional executive director

- 63** A disagreement about compliance with the regional centre conflict of interest policy between a staff person and the staff person's supervisor must be referred to the regional executive director.

Confidentiality of information

- 64** Information provided to a supervisor concerning a private interest of a staff person in discussing potential conflicts of interest must be kept confidential, except as required by law.

Non-compliance with conflict of interest policy

- 65** A staff person who does not comply with the regional centre conflict of interest policy may be disciplined.

Principles of conflict of interest policy

- 66** A regional centre conflict of interest policy must be based on the principles that a staff person should do all of the following:
- (a) perform their duties and functions impartially, responsibly, diligently, efficiently and with integrity;
 - (b) arrange their private interests in a manner that will prevent a conflict of interest, with any doubt in this respect to be resolved in favour of the public interest;
 - (c) not solicit or accept directly or indirectly a fee, gift or benefit from a person or an organization that has dealings with the regional centre or the Department;
 - (d) benefit from regional centre and regional centre-related programs, services or initiatives only to the extent that a member of the public benefits from them;
 - (e) benefit from information that is obtained in course of employment only to the extent that a member of the public may benefit from it;
 - (f) not benefit from, use or permit the use of regional centre property, including leased property, or services, other than in the course of the performance of official duties and functions, and

- otherwise only to the extent that a member of the public may use or benefit from the property or services;
- (g) in the course of the performance of official duties and functions involving the public, assist all members of the public fairly and reasonably;
 - (h) maintain appropriate confidences;
 - (i) observe all laws and rules;
 - (j) not use their position, office or affiliation with a regional centre or regional centre information or property to pursue personal interests;
 - (k) act in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law;
 - (l) take care to avoid being placed, or appearing to be placed, under any obligation to any person or organization that might profit from special consideration by the employee, and not accord preferential treatment in relation to any official matter to any person or organization in which the employee, family members or friends have an interest;
 - (m) if the staff person's spouse, partner or dependent child has a contract or agreement with the regional centre that has not been awarded by open public tender, disclose information about the contract or agreement to the regional executive director or, if the staff person is a regional executive director, to the Deputy Minister of the Department.

Mandatory requirements for conflict of interest policy

67 A regional centre conflict of interest policy must be consistent with Sections 60 to 66 and include all of the following:

- (a) a statement setting out the purpose of the policy and explaining that the policy sets out general principles and is not intended to set out every possible situation that may raise a conflict of interest;
- (b) a statement of policy objectives, including the objective to ensure that staff avoid conflicts of interest and act in the public interest at all times while discharging official duties and functions;
- (c) the definition of "conflict of interest" set out in subsection 60(1);
- (d) a statement that the policy applies to all staff;
- (e) an outline of policy directives, including all of the following:
 - (i) a statement of principles consistent with the principles set out in Section 66,
 - (ii) the criteria, including legality, fairness and defensibility, to be used for resolving cases in which it is uncertain that a conflict of interest exists,
 - (iii) a list of the types of employment and other activities that are not permitted to be carried on by a staff person outside employment with the regional centre and a requirement that the staff person make a confidential report regarding any outside employment or activities to their supervisor,

- (iv) how staff can receive notice of the policy,
- (v) how a staff person can get clarification or interpretation of the policy,
- (vi) how the educational material on the policy prepared by the regional centre in accordance with Section 62 is to be communicated;
- (f) an explanation of the accountability of
 - (i) staff, and
 - (ii) the regional executive director and a director designated by the regional executive director in accordance with Section 61;
- (g) the procedures for administering the policy as required by Section 61;
- (h) a statement of the confidentiality requirement set out in Section 64;
- (i) an explanation of the procedure for resolving disagreements about compliance with the policy, in accordance with the requirements of Section 63;
- (j) an explanation of the consequences of failing to comply with the policy.

N.S. Reg. 60/2018

Made: March 29, 2018

Filed: April 3, 2018

Prescribed Petroleum Products Prices

Order dated March 29, 2018
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**M08600**

In the matter of the *Petroleum Products Pricing Act*

- and -

**In the matter of prescribing prices for petroleum products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Murray E. Doehler, CPA, CA, P.Eng., Member

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended March 28, 2018, are:

Grade 1 Regular gasoline	67.8¢ per litre
Ultra-low-sulfur diesel oil	68.3¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	67.8¢ per litre
Grade 2	70.8¢ per litre
Grade 3	73.8¢ per litre
Ultra-low-sulfur diesel oil	68.3¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	plus 1.6¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.8¢ per litre

And whereas a winter blending adjustment of plus 2.7¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., March 30, 2018.

Dated at Halifax, Nova Scotia, this 29th day of March, 2018.

sgd: *Doreen Friis*
Clerk of the Board

Schedule “A”

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on March 30, 2018**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	76.7	10.0	15.5	102.2	123.4	125.6	123.4	999.9
Mid-Grade Unleaded	79.7	10.0	15.5	105.2	126.8	129.0	126.8	999.9
Premium Unleaded	82.7	10.0	15.5	108.2	130.3	132.5	130.3	999.9
Ultra-Low-Sulfur Diesel	79.0	4.0	15.4	98.4	119.0	121.2	119.0	999.9

Zone 2								
Regular Unleaded	77.2	10.0	15.5	102.7	124.0	126.2	124.0	999.9
Mid-Grade Unleaded	80.2	10.0	15.5	105.7	127.4	129.6	127.4	999.9
Premium Unleaded	83.2	10.0	15.5	108.7	130.9	133.1	130.9	999.9
Ultra-Low-Sulfur Diesel	79.5	4.0	15.4	98.9	119.6	121.8	119.6	999.9
Zone 3								
Regular Unleaded	77.6	10.0	15.5	103.1	124.4	126.6	124.4	999.9
Mid-Grade Unleaded	80.6	10.0	15.5	106.1	127.9	130.1	127.9	999.9
Premium Unleaded	83.6	10.0	15.5	109.1	131.3	133.5	131.3	999.9
Ultra-Low-Sulfur Diesel	79.9	4.0	15.4	99.3	120.1	122.2	120.1	999.9
Zone 4								
Regular Unleaded	77.7	10.0	15.5	103.2	124.5	126.7	124.5	999.9
Mid-Grade Unleaded	80.7	10.0	15.5	106.2	128.0	130.2	128.0	999.9
Premium Unleaded	83.7	10.0	15.5	109.2	131.4	133.6	131.4	999.9
Ultra-Low-Sulfur Diesel	80.0	4.0	15.4	99.4	120.2	122.4	120.2	999.9
Zone 5								
Regular Unleaded	77.7	10.0	15.5	103.2	124.5	126.7	124.5	999.9
Mid-Grade Unleaded	80.7	10.0	15.5	106.2	128.0	130.2	128.0	999.9
Premium Unleaded	83.7	10.0	15.5	109.2	131.4	133.6	131.4	999.9
Ultra-Low-Sulfur Diesel	80.0	4.0	15.4	99.4	120.2	122.4	120.2	999.9
Zone 6								
Regular Unleaded	78.4	10.0	15.5	103.9	125.4	127.5	125.4	999.9
Mid-Grade Unleaded	81.4	10.0	15.5	106.9	128.8	131.0	128.8	999.9
Premium Unleaded	84.4	10.0	15.5	109.9	132.2	134.4	132.2	999.9
Ultra-Low-Sulfur Diesel	80.7	4.0	15.4	100.1	121.0	123.2	121.0	999.9