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Governor in Council Education Act Regulations
made under Section 98 of the
Education Act
S.N.S. 2018, c. 1, Schedule A
O.I.C. 2018-104 (effective April 1, 2018), N.S. Reg. 50/2018
amended to O.I.C. 2021-281 (effective December 14, 2021), N.S. Reg. 165/2021

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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.

Definitions for Sections 14A to 15

14 In this Section and Sections 14A to 15,

“DTIR” means the Department of Transportation and Infrastructure Renewal;

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

“school building” means a building or grounds used or intended to be used for public school purposes.

Request for DTIR's site selection recommendation

- 14A** (1) After receiving approval in principle of a capital project for the construction of a new school building, the Minister must do all of the following:
- (a) notify all of the following of the capital project's approval in principle:
 - (i) the regional centre under whose jurisdiction the school building is to be constructed,
 - (ii) DTIR;
 - (b) indicate whether the school building is intended to replace 1 or more existing school buildings;
 - (c) request DTIR's recommendation for an appropriate site for the school building.
- (2) A regional centre must provide information to the Minister and, if requested by the Minister, to DTIR, about any requirements of the school program or school community that would impact DTIR's recommendation for a school building site.

DTIR evaluation of school building sites

- 14B (1)** After receiving a request for a recommendation under clause 14A(1)(c) DTIR must, in consultation with the regional centre and the Department, do all of the following:
- (a) determine the requirements for the school building site, considering all of the following:
 - (i) the program requirements of the school,
 - (ii) any requirements set by the Minister;
 - (b) evaluate potential school building sites in accordance with the priorities set out in subsections (2) and (3);
 - (c) recommend a school building site to the Minister that DTIR considers meets the requirements determined under clause (a).
- (2)** If a new school building is not replacing an existing school building, DTIR must evaluate potential new school building sites in the following order of priority:
- (a) real property vested in Her Majesty in Right of the Province or held by the regional centre;
 - (b) real property available for acquisition or use by the Province.
- (3)** If a new school building is replacing 1 or more existing school buildings, DTIR must evaluate potential replacement school building sites in the following order of priority:
- (a) existing sites;
 - (b) real property vested in Her Majesty in Right of the Province or held by the regional centre;
 - (c) real property available for acquisition or use by the Province.
- (4)** If DTIR does not recommend constructing the replacement school building on an existing site, it must submit to the Minister the reasons why it is unable to recommend an existing site.

Information provided to public

- 14C** Before making a recommendation to the Minister under clause 14B(1)(c), DTIR, in consultation with the Department and the regional centre, must provide information to the public on all of the following:
- (a) the site selection process;
 - (b) DTIR's findings in respect of a proposed recommended school building site.

Site selection by the Minister

- 14D (1)** After receiving DTIR's recommendation under clause 14B(1)(c), the Minister must, after consulting with the regional executive director, decide whether to accept the recommendation.
- (2)** After considering DTIR's recommendation, the Minister may request that DTIR provide a list of alternative sites.
 - (3)** On request under subsection (2), DTIR must provide a list of alternative sites that includes all potential school building sites that DTIR considers meet the requirements for the school building site as determined under clause 14B(1)(a).

- (4) If the Minister does not accept DTIR's recommendation of a school building site under subsection (1), the Minister must select a school building site from the list of alternative sites provided by DTIR under subsection (3).

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 following of the capital project's approval in principle for the acquisition of land:
 - (i) the regional executive director for the regional centre,
 - (ii) DTIR;
 - (b) after receiving notice from the Minister under clause (a) and in consultation with the Department and the regional centre, DTIR must determine the requirements for a school building site in accordance with clause 14B(1)(a);
 - (ba) DTIR must evaluate potential school building sites to determine if any sites meet the requirements determined under clause (b);
 - (c) the private sector developer must inspect the sites and, with the agreement of DTIR, after consulting with the Department and the regional centre, 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 the private sector developer's recommendation provided under subsection (2) but still considers it advisable to have a public school constructed by a private sector developer, the Minister may request that the private sector developer and DTIR provide a list of alternative potential school building sites.
- (5) On request under subsection (4), the private sector developer and DTIR must provide a list of alternative sites that the private sector developer and DTIR consider meet the requirements for a school building site as determined under clause (2)(b).
- (6) After receiving a list of alternative school building sites under subsection (4) the Minister may do any of the following:
 - (a) select a school building site from the list;

- (b) accept the recommendation of the private sector developer under clause (2)(c);
- (c) decide whether it continues to be advisable to have a public 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, technology education, 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, a school day on which a teacher does not teach because the school is closed by an order made by any of the following is reckoned as a day taught and the teacher must not suffer a loss in salary for that day:

- (a) the Minister or the Minister's representative;
- (b) an education entity or its representative in consultation with the Department;
- (c) 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 (1) For the purpose of determining the service of a member of the instructional staff in any school year, a school day on which a teacher is absent with the approval of the education entity for any of the following reasons is reckoned as a day taught and the teacher must not suffer a loss in salary for the absence:

- (a) because the teacher is attending meetings called at the direction of the Minister;
- (b) because the teacher is attending a professional conference, institute or meeting, other than one called at the direction of the Minister, approved by the Director of Regional Education Services, to a maximum of 2 days;
- (c) because the teacher is attending meetings of government-appointed committees or commissions;
- (d) because 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;
- (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;
 - (i) because the teacher is conducting in-service programs;
 - (j) because of a death or serious illness in the teacher's immediate family or the immediate family of the teacher's spouse, to a maximum of 5 days in any school year;
 - (k) because the teacher is attending education conferences outside the Province.
- (2) For the purposes of clauses (1)(d) and (h), the education entity must not unreasonably withhold its approval if operational requirements permit the teacher's absence.

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, a school day on which a teacher is absent for any of the following reasons is reckoned as a day taught and the teacher must not suffer a loss in salary for the absence:
- (a) because the teacher has been placed in quarantine or because of 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 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 the Province;
 - (e) subject to subsections (2) and (3), 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, to [a] maximum of the total number of consecutive teaching days in a period of 2 school years from the date of the injury.
- (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 a primary or secondary school that is established and maintained at public expense as part of a system of free public education in any part of the Commonwealth outside the Province;
- (g) service as a teacher in a primary or secondary school that is established and maintained at public expense as part of a system of free public education recognized by the Minister and that is 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) [repealed]**
- (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, 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 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;
 - (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;

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

“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;

“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;

“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 and a corporation;

“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;

“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 prescribed by the *Public School Administrators Employment Relations Regulations* 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 a percentage of the compensation amount on the applicable compensation grid for the compa-ratio of 100% that is the lesser of the following:
- (a) the percentage that was deducted in accordance with the reduction under subclause (1)(b)(ii);
 - (b) 3%.

Variances 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

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 31-July-2021

Grid 1: Compensation Grid for Directors

Compa-ratio	80%	81%	82%	83%	84%
Compensation amount	\$101,064	\$102,328	\$103,590	\$104,854	\$106,118
Compa-ratio	85%	86%	87%	88%	89%

Compensation amount	\$107,380	\$108,643	\$109,906	\$111,172	\$112,435
Compa-ratio	90%	91%	92%	93%	94%
Compensation amount	\$113,698	\$114,961	\$116,224	\$117,487	\$118,751
Compa-ratio	95%	96%	97%	98%	99%
Compensation amount	\$120,013	\$121,277	\$122,541	\$123,804	\$125,067
Compa-ratio	100%	101%	102%	103%	104%
Compensation amount	\$126,329	\$127,594	\$128,857	\$130,120	\$131,384

Grid 2: Compensation Grid for Regional Executive Directors

Compa-ratio	80%	81%	82%	83%	84%
Compensation amount	\$129,675	\$131,295	\$132,916	\$134,536	\$136,157
Compa-ratio	85%	86%	87%	88%	89%
Compensation amount	\$137,779	\$139,400	\$141,020	\$142,642	\$144,263
Compa-ratio	90%	91%	92%	93%	94%
Compensation amount	\$145,884	\$147,504	\$149,125	\$150,746	\$152,367
Compa-ratio	95%	96%	97%	98%	99%
Compensation amount	\$153,987	\$155,609	\$157,231	\$158,852	\$160,472
Compa-ratio	100%	101%	102%	103%	104%
Compensation amount	\$162,093	\$163,714	\$165,335	\$166,955	\$168,576

effective 01-August-2021

Grid 1: Compensation Grid for Directors

Compa-ratio	80%	81%	82%	83%	84%
Compensation amount	\$102,580	\$103,863	\$105,144	\$106,427	\$107,710
Compa-ratio	85%	86%	87%	88%	89%
Compensation amount	\$108,991	\$110,273	\$111,555	\$112,840	\$114,122
Compa-ratio	90%	91%	92%	93%	94%
Compensation amount	\$115,403	\$116,685	\$117,967	\$119,249	\$120,532
Compa-ratio	95%	96%	97%	98%	99%
Compensation amount	\$121,813	\$123,096	\$124,379	\$125,661	\$126,943
Compa-ratio	100%	101%	102%	103%	104%
Compensation amount	\$128,224	\$129,508	\$130,790	\$132,072	\$133,355

Grid 2: Compensation Grid for Regional Executive Directors

Compa-ratio	80%	81%	82%	83%	84%
Compensation amount	\$131,620	\$133,264	\$134,910	\$136,554	\$138,199
Compa-ratio	85%	86%	87%	88%	89%
Compensation amount	\$139,846	\$141,491	\$143,135	\$144,782	\$146,427
Compa-ratio	90%	91%	92%	93%	94%
Compensation amount	\$148,072	\$149,717	\$151,362	\$153,007	\$154,653
Compa-ratio	95%	96%	97%	98%	99%
Compensation amount	\$156,297	\$157,943	\$159,589	\$161,235	\$162,879

Compa-ratio	100%	101%	102%	103%	104%
Compensation amount	\$164,524	\$166,170	\$167,815	\$169,459	\$171,105

effective 01-August-2022

Grid 1: Compensation Grid for Directors

Compa-ratio	80%	81%	82%	83%	84%
Compensation amount	\$104,119	\$105,421	\$106,721	\$108,023	\$109,326
Compa-ratio	85%	86%	87%	88%	89%
Compensation amount	\$110,626	\$111,927	\$113,228	\$114,533	\$115,834
Compa-ratio	90%	91%	92%	93%	94%
Compensation amount	\$117,134	\$118,435	\$119,737	\$121,038	\$122,340
Compa-ratio	95%	96%	97%	98%	99%
Compensation amount	\$123,640	\$124,942	\$126,245	\$127,546	\$128,847
Compa-ratio	100%	101%	102%	103%	104%
Compensation amount	\$130,147	\$131,451	\$132,752	\$134,053	\$135,355

Grid 2: Compensation Grid for Regional Executive Directors

Compa-ratio	80%	81%	82%	83%	84%
Compensation amount	\$133,594	\$135,263	\$136,934	\$138,602	\$140,272
Compa-ratio	85%	86%	87%	88%	89%
Compensation amount	\$141,944	\$143,613	\$145,282	\$146,954	\$148,623
Compa-ratio	90%	91%	92%	93%	94%
Compensation amount	\$150,293	\$151,963	\$153,632	\$155,302	\$156,973
Compa-ratio	95%	96%	97%	98%	99%
Compensation amount	\$158,641	\$160,312	\$161,983	\$163,654	\$165,322
Compa-ratio	100%	101%	102%	103%	104%
Compensation amount	\$166,992	\$168,663	\$170,332	\$172,001	\$173,672

Legislative History Reference Tables

Governor in Council Education Act Regulations
Education Act

N.S. Reg. 50/2018

Note: The information in these tables does not form part of the regulations and is compiled by the Office of the Registrar of Regulations for reference only.

Source Law

The current consolidation of the *Governor in Council Education Act Regulations* made under the *Education Act* includes all of the following regulations:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
50/2018	Apr 1, 2018	date specified	Apr 13, 2018
145/2018	Aug 1, 2018	date specified	Aug 17, 2018
90/2019	Jun 20, 2019	date specified	Jul 5, 2019
126/2019	Sep 3, 2019	date specified	Sep 27, 2019
35/2021	Feb 4, 2021	date specified	Feb 26, 2021
165/2021	Dec 14, 2021	date specified	Dec 31, 2021

The following regulations are not yet in force and are not included in the current consolidation:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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*See subsection 3(6) of the *Regulations Act* for rules about in force dates of regulations.

Amendments by Provision

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

Provision affected	How affected
14.....	rs. 90/2019
14(2)(b).....	am. 145/2018
14(4)(a)(ii)(B).....	am. 145/2018
14(4)(b)(ii).....	am. 145/2018
114A-14D.....	ad. 90/2019
115(2)(a)-(b).....	rs. 90/2019
115(2)(ba).....	ad. 90/2019
115(2)(c).....	am. 90/2019
115(4).....	rs. 90/2019

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

Provision affected	How affected
115(5)-(6).....	ad. 90/2019
17.....	am. 145/2018
21(1).....	am. 145/2018
21(1)(a)-(c).....	am. 145/2018
22.....	ra. as 22(1) 145/2018
22(1).....	ra. from 22 145/2018; am. 145/2018
22(1)(b).....	rs. 145/2018
22(1)(d).....	am. 145/2018
22(1)(h).....	am. 145/2018
22(1)(j).....	am. 145/2018
22(2).....	ad. 145/2018
23(1).....	am. 145/2018
23(1)(a)-(b).....	am. 145/2018
23(1)(d)-(e).....	am. 145/2018
27(1)(f)-(g).....	am. 145/2018
27(2).....	rep. 145/2018
27(8).....	am. 145/2018
30.....	am. 145/2018
35(1)(d).....	am. 145/2018
43.....	am. 145/2018 (definitions placed in alphabetical order)
43, defn. of “special education private school”.....	am. 145/2018
74(2)(a).....	am. 145/2018
76(2).....	am. 145/2018
77(1)(b)(ii).....	am. 145/2018
Schedule C.....	rs. 145/2018, 126/2019, 35/2021, 165/2021

Note that changes to headings are not included in the above table.

Editorial Notes and Corrections:

Note	Effective date
1 N.S. Reg. 145/2018 purports to amend s. 77(1)(2)(ii), which does not exist. Amendment applied to s. 77(1)(b)(ii).	
2 The reference to the Department of Transportation and Infrastructure Renewal in s. 14 should be read as a reference to the Department of Transportation and Active Transit in accordance with O.I.C. 2021-56 under the <i>Public Service Act</i> , R.S.N.S. 1989, c. 376.	Feb 23, 2021
3 The reference to the Department of Transportation and Infrastructure Renewal in s. 14 should be read as a reference to the Department of Public Works in accordance with O.I.C. 2021-209 under the <i>Public Service Act</i> , R.S.N.S. 1989, c. 376.	Aug 31, 2021

Repealed and Superseded:

N.S. Regulation	Title	In force date	Repealed date
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Note: Only regulations that are specifically repealed and replaced appear in this table. It may not reflect the entire history of regulations on this subject matter.

