

**EDUCATION ACT**

R-013-2012

Registered with the Registrar of Regulations

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**TRANSITION REGULATIONS (2012 to 2014)**

The Commissioner in Executive Council, under section 203 of the *Education Act*, S.Nu. 2008, c. 15, and every enabling power, makes the attached *Transition Regulations (2012 to 2014)*.

**1.** In these regulations

"former Act" means the *Education Act*, S.N.W.T. 1995, c.28, as duplicated for Nunavut by section 29 of the *Nunavut Act (Canada)*; (*ancienne Loi*)

"former *Transition Regulations*" means the *Transition Regulations*, registered as R-024-2009, made under the new Act; (*ancien Règlement de transition*)

"*Interim Transition Regulations*" means the *Interim Transition Regulations*, registered as R-012-2010, made under the new Act; (*Règlement provisoire de transition*)

"new Act" means the *Education Act*, S.Nu. 2008, c. 15; (*nouvelle Loi*)

"transition period" means the 2012-2013 and the 2013-2014 school years. (*période de transition*)

**2.** (1) Where these regulations provide that a provision of the former Act or of the regulations made under the former Act is deemed to form part of these regulations, the provision applies with all necessary modifications and to the extent that it is not inconsistent with the new Act.

(2) Where these regulations refer to the former Act or to a regulation that has been repealed, the reference is to the Act or regulation as it read immediately before its repeal.

Application

**3.** These regulations apply only during the transition period and are repealed on June 30, 2014.

**4.** These regulations apply despite any provision of the new Act or any other Act.

Agreements under Subsection 4(4)

**5.** Despite subsection 4(4) of the new Act, an agreement under that subsection between an adult student and a parent of the student may, in the transition period, be in any form that the student and the parent choose so long as it is acceptable to the principal of the school.

Teaching Standards and Directions

**6.** The teaching standards and directions that were continued before the transition period under section 6 of the *Transition Regulations (2010 to 2012)*, are continued for the transition period and are deemed to have been established or given under subsection 8(5) of the new Act.

Local Programs

**7.** (1) Subject to subsections (2) and (3), local programs that were deemed to have been approved under section 7 of the former *Transition Regulations*, under the *Interim Transition Regulations* or under subsection 7(1) of the *Transition Regulations (2010 to 2012)* are deemed to have been approved for the transition period by the Minister under section 9 of the new Act.

## Transition Regulations (2012 to 2014)

(2) The Minister may request in writing that a district education authority make a submission under subsection 9(4) of the new Act in respect of any local program deemed to have been approved under subsection (1).

(3) The deemed approval of a local program ends on such day as the Minister may specify in his or her request under subsection (2).

### Reports on Effectiveness of School Program

**8.** In the transition period, a principal shall make the reports referred to in section 14 of the new Act even though regulations have not been made in respect of that section.

### Home Schooling

**9.** (1) Subject to subsections (2), (3), (4) and (5), the *Home Schooling Regulations* made under the former Act are deemed to form part of these regulations and apply in the transition period to home schooling under the new Act.

(2) Subsections 5(2), 5(3) and 7(1) of the *Home Schooling Regulations* made under the former Act do not apply in the transition period.

(3) A reference to a Superintendent in the *Home Schooling Regulations* made under the former Act shall be read as a reference to a district education authority.

(4) If a principal recommends the termination of a home schooling program, the district education authority shall investigate the recommendation by interviewing the parents providing the home schooling program and by reviewing all relevant material and it shall determine whether the home schooling program

- (a) may continue;
- (b) may continue with the changes the district education authority considers appropriate, or
- (c) shall be terminated as of a specified date.

(5) The district education authority shall give written notice of its determination under subsection (4) to the principal and to the parent providing the home schooling program.

### Programs to Encourage Regular and Punctual Attendance

- 10.** The Minister, working in cooperation with the district education authorities,
- (a) shall continue the development of the programs referred to in section 36 of the new Act; and
  - (b) may, in the transition period, establish those programs but is not required to do so.

### Registration and Attendance Policies

**11.** (1) A district education authority may, in the transition period, develop and adopt a registration and attendance policy referred to in subsection 37(1) of the new Act but it is not required to do so.

(2) The policy of a district education authority continued under subsection 15(2) of the former *Transition Regulations*, as incorporated in the *Interim Transition Regulations*, or under subsection 12(2) of the *Transition Regulations (2010 to 2012)* continues until the earlier of

- (a) the day a policy developed and adopted under section 37 of the new Act comes into force; and
- (b) the end of the transition period.

(3) A policy continued by subsection (2), until it is replaced by a policy developed and adopted under section 37 of the new Act, is the registration and attendance policy of the district education authority and shall be implemented as if it had been developed and adopted under that section.

(4) Subsections (1) to (3) do not apply if the district education authority developed and adopted a registration and attendance policy under section 37 of the new Act before the coming into force of this section.

#### Attendance Reports

**12.** (1) In the transition period, a principal shall provide the monthly report on attendance as provided in subsection 39 (1) of the new Act even though regulations have not been made in respect of that subsection.

(2) A principal is not required to provide a monthly attendance report under subsection 39(1) of the new Act for any month in which there are no instructional days.

(3) In the transition period, a district education authority shall regularly provide the community with information on attendance at schools in the community as provided in subsection 39(2) of the new Act even though regulations have not been made in respect of that subsection.

#### Programs in Support of Inuuqatigiitsiarniq Policy

**13.** A district education authority may, in the transition period, develop programs referred to in subsection 59(1) of the new Act but it is not required to do so.

#### Reports on Student Behaviour

**14.** In the transition period, a principal shall make the reports referred to in section 60 of the new Act even though regulations have not been made in respect of that section.

#### Literacy and Numeracy Skills: Nunavut-wide Assessments

- 15.** The Minister
- (a) shall continue the development of the program referred to in subsection 74(1) of the new Act; and
  - (b) may, in the transition period, establish and maintain that program but is not required to do so.

#### Student Records

**16.** Sections 3 to 6 and 8 to 11 of the *Student Record Regulations* made under the former Act are deemed to form part of these regulations and apply in the transition period to the student records required under section 79 of the new Act.

#### Instructional Hours

**17.** The minimum and maximum hours of instruction established under subsection 126(4) of the former Act and section 2 of the *Academic Year and School Attendance Regulations* made under the former Act apply in the transition period and are deemed to be minimum and maximum instructional hours prescribed under paragraphs 87(1)(a), (b) and (c) of the new Act.

#### Orientation and Mentoring Programs

- 18.** The Minister
- (a) shall continue the development of the orientation and mentoring programs referred to in subsection 96(1) of the new Act; and
  - (b) may, in the transition period, establish those programs but is not required to do so.

### Innait Inuksiutilirijiit

- 19.** (1) An Elder shall not be employed as an Innaq Inuksiutiliriji in the transition period unless
- (a) the Elder has received, either orally or in writing, from the district education authority or from a member of the education staff
    - (i) an explanation of his or her duties and what is expected of him or her, and
    - (ii) an explanation of the school rules and procedures that are relevant to the carrying out of his or her role in the school;
  - (b) the Elder has been given an opportunity to discuss the explanations with the district education authority or with a member of the education staff;
  - (c) the Elder has attended a meeting arranged by the district education authority or by a member of the education staff for the purpose of meeting the school staff with whom the Elder will be working;
  - (d) the Elder has had a criminal reference check completed by the Royal Canadian Mounted Police within the last three years and a copy of the criminal reference check has been provided to the district education authority; and
  - (e) the district education authority has considered the criminal reference check in consultation with the principal and has determined that it is appropriate to employ the Elder.

(2) The criminal reference check referred to in paragraph (1)(d) must include a verification under subsection 6.3(3) of the *Criminal Records Act* (Canada).

(3) The requirements set out in paragraphs (1) (a), (b) and (c) must be satisfied in each school year before the Elder begins his or her duties as an Innaq Inuksiutiliriji in that school year.

(4) A district education authority shall cease to employ, an Elder as an Innaq Inuksiutiliriji three years after the date of the most recent criminal record check that was considered under paragraph (1)(e).

### Certification, etc

**20.** Sections 50, 51 and 52 of the former Act, sections 1 to 59 of the *Education Staff Regulations* made under the former Act and the *Principal Certification Regulations* made under the former Act are deemed to form part of these regulations and apply in the transition period in respect of the certification of teachers, principals and vice-principals and in respect of any other matters set out in those provisions.

### Principals and Vice-Principals

**21.** (1) In the transition period, the time periods referred to in subsections 108(1) and (2) of the new Act shall be calculated from the date the principal or vice-principal took up his or her duties even if that date is before July 1, 2009.

(2) An individual whose employment contract as a principal was entered into before July 1, 2009 who does not have a certificate of eligibility as a principal may continue to be employed as a principal in the transition period for the same period as he or she would have been eligible to remain employed as a principal under the former Act.

(3) An individual described in subsection (2) remains subject to the same requirements as would have applied to the individual under the former Act including all commitments made under section 2 of the *Principal Certification Regulations* made under the former Act or made under those regulations as they continue to apply under section 26 of these regulations.

### Standards for Teacher Education Programs

**22.** The Minister may, in the transition period, establish the standards for teacher education programs referred to in subsection 122(2) of the new Act but is not required to do so.

#### Restriction on Access to Schools

**23.** In the transition period, a member of a district education authority must be accompanied by a member of the education staff when the member of the district education authority is on school premises and children are present even if the member has provided a criminal reference check to the Minister under paragraph 136(a) of the new Act.

#### School Visitation Plan

**24.** (1) A district education authority may, in the transition period, develop and establish the plan referred to in section 139 of the new Act for its members to visit the schools under its jurisdiction but is not required to do so.

(2) This section is repealed on July 1, 2013.

#### Annual Report of District Education Authority

**25.** A district education authority shall make its annual reports for the 2009-2010, 2010-2011, 2011-2012 and 2012-2013 years available to the community as required under subsection 146(2) of the new Act even though no regulations have been made in respect of that subsection.

#### Resignations

**26.** Section 91 of the former Act is deemed to form part of these regulations and applies in the transition period to the resignation of members of a district education authority, including the resignation of a member as the chairperson or vice-chairperson.

#### Ceasing to be Member

**27.** Section 92 of the former Act is deemed to form part of these regulations and applies in the transition period with respect to members of a district education authority ceasing to be members.

#### Conduct of Business

**28.** Sections 94 and 95 and subsections 96(2) and (3) of the former Act and sections 2 and 6 of the *Conduct of Business Regulations* made under the former Act are deemed to form part of these regulations and apply in the transition period to the manner in which a district education authority conducts its business.

#### *Commission scolaire francophone*

**29.** Section 14 of the *French First Language Education Regulations* made under the former Act is deemed to form part of these regulations and applies in the transition period to the *Commission scolaire francophone* with respect to the provisions referred to in that section as those provisions apply under these regulations.

#### Private Schools

**30.** Section 2 of the *Private School Regulations* made under the former Act is deemed to form part of these regulations and applies in the transition period with respect to applications to register a private school under section 202 of the new Act.

#### Executive Directors

**31.** (1) The Minister may designate one or more departmental officials as executive directors.

(2) An executive director has jurisdiction in the education district or districts set out in the designation of the official as an executive director.

(3) For the purposes of every enactment, a reference to a Superintendent employed under the former Act shall be read as a reference to an executive director.

Resolute District Education Authority Election in 2012

- 32.** At the election to be held in 2012 for four members of the Resolute District Education Authority, the members shall be elected for either a two-year term or a one-year term as follows:
- (a) the person who receives the highest number of votes shall hold office for two years; and
  - (b) the other three persons who are elected shall hold office for one year.

**Repeal**

- 33. The *Transition Regulations (2010 to 2012)* are repealed.**