

EDUCATION ACT

R-016-2011

Registered with the Registrar of Regulations

2011-09-26

ADMINISTRATION AND FINANCE REGULATIONS

The Commissioner in Executive Council, under sections 155, 181, 189 and 203 of the *Education Act*, S.Nu. 2008, c. 15, and every enabling power, makes the attached *Administration and Finance Regulations*.

Oath of Office

1. The following is prescribed for the purposes of subsection 130(3) of the Act as the oath or affirmation to be taken by members of a district education authority:

I,, do solemnly and sincerely promise and (swear or affirm) that I will duly, faithfully and to the best of my skill and knowledge, execute the powers and trust reposed in me as a (name of office).

Remuneration and Expenses of Members

2. (1) The remuneration and expenses to be paid by a district education authority to its members under subsections 130(4) or 165(3) of the Act, as may be applicable, shall be determined in accordance with this section.

(2) The remuneration and expenses are subject to the directives under the *Financial Administration Act*.

(3) The district education authority shall pass a by-law providing for the remuneration and expenses to be paid to its members.

(4) The district education authority, immediately on adopting a by-law under subsection (3) or an amendment to it, shall forward a copy of the by-law or the by-law, as amended, to the Minister.

(5) A by-law under subsection (3) shall set out,

- (a) a rate for chairing meetings of the district education authority;
- (b) a rate for other duties; and
- (c) a description of what duties, other than attending or chairing meetings of the district education authority or its committees or subcommittees, members may be paid for, including any travel time for which members may be paid.

(6) A member of a district education authority shall not be paid for more than 7.5 hours in a single day.

(7) The following rules apply to the payment of remuneration to a member of a district education authority for time spent in a single day for which the member may be paid, subject to the limit under subsection (6) and subject to subsection (8):

- (a) if all or part of the time is spent chairing meetings of the district education authority, the member shall be paid as follows:
 - (i) if the total time was less than 3.75 hours, the member shall be paid for 3.75 hours at the rate under paragraph (5)(a), or
 - (ii) if the total time was more than 3.75 hours the member shall be paid for 3.75 hours plus any additional time chairing meetings of the district education authority at the rate under paragraph (5)(a) and for any remaining time the member shall be paid at the rate under paragraph (5)(b);
- (b) if all or part of the time is spent attending meetings of the district education authority or its committees or subcommittees but the member did not chair a meeting of the district education authority, the member shall be paid as follows:
 - (i) if the total time was less than 3.75 hours, the member shall be paid for 3.75 hours at the rate under paragraph (5)(b), or

- (ii) if the total time was more than 3.75 hours, the member shall be paid for the time at the rate under paragraph (5)(b); or
 - (c) if none of the time is spent in a manner described paragraph (a) or (b), the member shall be paid for the time at the rate under paragraph (5)(b).
- (8) The following rules apply with respect to travel time:
- (a) the member may only be paid for the time if the district education authority by-laws provide for such time to be paid for under paragraph (5)(c);
 - (b) the member may not be paid for time spent travelling to a destination within the education district;
 - (c) the member may not be paid for more than 3.75 hours for travel to the destination;
 - (d) the member may not be paid for more than 3.75 hours for travel back from the destination;
 - (e) the member may not be paid for more than 3.75 hours for travel on any one day, even if travel to and from the destination occurs on the same day;
 - (f) the rate paid for travel time shall be the rate under paragraph (5)(b).
- (9) Paragraph (8)(b) does not apply to the *Commission scolaire francophone*.

Remuneration and Expenses of Elders and Student Representatives

3. (1) The remuneration and expenses to be paid by a district education authority to an Elder under subsection 133(3) of the Act and to student representatives under subsection 134(6) of the Act shall be determined in accordance with this section.

(2) The remuneration to be paid to an Elder for time spent attending meetings of the district education authority or its committees or subcommittees shall be the same as would be paid to a member of the district education authority for such attendance.

(3) The remuneration to be paid to a student representative for time spent attending meetings of the district education authority or its committees or subcommittees shall be 50 per cent of the amount that would be paid to a member of the district education authority for such attendance.

(4) The expenses to be paid to an Elder or student representative shall be the same as would be paid to a member of the district education authority.

Third-Party Funding

4. (1) Beginning with the operating budget for the 2012-2013 financial year, the operating budget of a district education authority shall, in addition to the items set out in section 183(1) of the Act, include an item showing operating funding that the district education authority expects to receive from sources other than the Government of Nunavut and how it proposes to spend that funding.

(2) Beginning with the annual report for the 2011-2012 financial year, the annual report of a district education authority submitted under section 96 of the *Financial Administration Act* shall include information about the amount of money received by the district education authority from all sources other than the Government of Nunavut and how the money was spent.

Limitation on the Allocation and Re-allocation of Funds

5. Money provided by the Government of Nunavut in respect of the approved budget of a district education authority shall not be allocated or re-allocated by the district education authority under subsection 185(1) of the Act if the allocation or re-allocation would result in the district education authority being unable to carry out any of its duties under the Act.

Bank Withdrawals

- 6.** (1) Money may be withdrawn by a district education authority from an account established pursuant to section 186 of the Act only if
- (a) the district education authority has, by motion, approved the payment of the expense for which the money is being withdrawn; and
 - (b) the withdrawal has been approved by
 - (i) the chairperson of the district education authority and one of the two persons designated by the by-law required by subsection (2), or
 - (ii) the two members of the district education authority designated by the by-law required by subsection (2).

(2) A district education authority shall pass a by-law designating two of its members as the members who may approve withdrawals as described in paragraph (1)(b).

Transitional Rules: Remuneration and Expenses

7. (1) A district education authority shall pass the initial by-law required by subsection 2(3) and forward a copy of it to the Minister before July 1, 2012.

(2) Sections 2 and 3 do not apply to remuneration and expenses in respect of time spent and expenses incurred before July 1, 2012.

(3) The following rules apply to the remuneration and expenses to be paid by a district education authority to its members under subsections 130(4) or 165(3) of the Act, as may be applicable, in respect of time spent and expenses incurred before July 1, 2012:

- (a) sections 3, 4 and 5 of the *Conduct of Business Regulations*, as they read immediately before their repeal, are deemed to form part of these regulations and apply to the remuneration and expenses of the members of a district education authority for time and expenses; and
- (b) despite paragraph (a), if the remuneration paid or expenses allowed by a district education authority under its by-laws and guidelines exceeds what is allowed by virtue of a directive made under the Financial Administration Act, the district education authority shall reduce the remuneration or expense paid to members of the district education authority, as the case may be, to the maximum allowed under the directive.

(4) The following rules apply to the remuneration and expenses to be paid by a district education authority to Elders under subsection 133(3) of the Act or to student representatives under subsection 134(6) of the Act in respect of time spent and expenses incurred before July 1, 2012:

- (a) Elders are entitled to remuneration equal to the remuneration of a member of the district education authority who is not its chairperson and student representatives are entitled to remuneration equal to 50 per cent of the remuneration paid to Elders; and
- (b) Elders and student representatives are entitled to be paid for their expenses on the same basis as a member of the district education authority.

(5) In subsection (3), “*Conduct of Business Regulations*” means the *Conduct of Business Regulations* made under the former *Education Act*, S.N.W.T. 1995, c.28, as duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada).

Transitional Rule: Substitute Teachers Employed by District Education Authorities

8. (1) Despite section 88 of the Act, an individual employed by a district education authority to substitute for a teacher on a temporary basis or who is employed for part of a school year to fill a vacancy as a teacher is not a member of the public service.

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

Transition Rules: Bank Withdrawals

9. (1) A district education authority shall pass the initial by-law required by subsection 6(2) on or before February 1, 2012.

(2) Subsection 6(1) applies to a district education authority beginning on the earlier of February 1, 2012 and the day it passes the initial by-law required by subsection 6(2).

(3) Section 12 of the *Conduct of Business Regulations*, as it read immediately before its repeal, is deemed to form part of these regulations and applies to a district education authority with respect to withdrawals of funds referred to in section 186 of the Act until subsection 6(1) applies to the district education authority under subsection (2).

(4) In subsection (3), “*Conduct of Business Regulations*” means the *Conduct of Business Regulations* made under the former *Education Act*, S.N.W.T. 1995, c.28, as duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada).

Repeals

10. Sections 30, 31 and 39 of the *Transition Regulations (2010 to 2012)* are repealed.

Commencement

11. These regulations come into force 60 days after the day that they are registered with the Registrar of Regulations.