

EDUCATION ACT

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TRANSITION REGULATIONS (2010 to 2012)

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 (2010-2012)*.

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* made under the new Act; (*ancien Règlement de transition*)

"*Interim Transition Regulations*" means the *Interim Transition Regulations* made under the new Act;

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

"transition period" means the period that begins the day these regulations come into force and ends June 30, 2012. (*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(2) Where these regulations refer to the former Act or to a regulation that has been repealed, the reference is to the Act or regulation as it read immediately before its repeal.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 in the transition period and cease to have effect on June 30, 2012.

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 applied immediately before the transition period under section 6 of the former *Transition Regulations*, as incorporated in the *Interim Transition Regulations*, 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* or under the *Interim Transition Regulations* are deemed to have been approved for the transition period by the Minister under section 9 of the new Act.

(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.

Language Competency Targets

10. The Minister

- (a) shall continue the development of the competency targets referred to in subsection 25(4) of the new Act; and
- (b) may, in the transition period, establish and implement those competency targets but is not required to do so.

Programs to Encourage Regular and Punctual Attendance

11. 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

12. (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*, 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

13. (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.

Individual Education Plans Continued

14. (1) An individual education plan established under the former Act that was continued as an individual student support plan under section 17 of the former *Transition Regulations* or under the *Interim Transition Regulations* and that was still in effect immediately before the transition period is continued.

(2) The continuation of the individual education plan of a student by subsection (1) does not prevent the development of a new individual student support plan for the student under Part 6 of the Act or limit the making of adjustments to the plan under section 46 of the Act.

Review Boards: Remuneration and Expenses

15. In the transition period, the members of a review board appointed by a district education authority under section 51 of the new Act are entitled to remuneration and expenses as follows:

- (a) the chairperson is entitled to remuneration equal to the remuneration of the chairperson of the district education authority;
- (b) the other members are entitled to remuneration equal to the remuneration of a member of the district education authority who is not its chairperson; and
- (c) the chairperson and other members of a review board are entitled to be paid for their expenses on the same basis as a member of the district education authority.

Inuuqatigiitsiarniq Policies

16. (1) A district education authority may, in the transition period, develop and adopt an Inuuqatigiitsiarniq policy referred to in subsection 58(1) of the new Act but it is not required to do so.

(2) The discipline policy and the code of conduct of a district education authority continued under subsection 20(2) of the former *Transition Regulations*, as incorporated in the *Interim Transition Regulations*, continue until the earlier of

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- (a) the day a policy developed and adopted under section 58 of the new Act comes into force; and
- (b) the end of the transition period.

(3) A discipline policy and a code of conduct continued by subsection (2), until replaced by a policy developed and adopted under section 58 of the new Act, are together the Inuuqatigiitsiarniq policy of the district education authority and shall be implemented as if they had been developed and adopted as the Inuuqatigiitsiarniq policy under that section.

(4) Subsections (1) to (3) do not apply if the district education authority developed and adopted a Inuuqatigiitsiarniq policy under section 58 of the new Act before the coming into force of this section.

Programs in Support of Inuuqatigiitsiarniq Policy

17. 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

18. 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.

Appeals related to Suspensions and Expulsions

19. Sections 38, 39, 40, 41 and 43 of the former Act and sections 1 to 11 and 20 to 23 of the *Education Appeal Regulations* made under the former Act are deemed to form part of these regulations and apply in the transition period to an appeal of a decision to suspend or expel a student.

Literacy and Numeracy Skills: Nunavut-wide Assessments

20. 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

21. 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.

Correction of Student Records: Resolution of Disagreements

22. Subsections 39(2), 40(1) and 40(3) and section 41 of the former Act and sections 1 to 11 of the *Education Appeal Regulations* made under the former Act are deemed to form part of these regulations and apply in the transition period to the resolution of a disagreement under subsection 81(2) of the new Act.

Instructional Hours

23. 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

24. 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

- 25. (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) The following apply if an Elder is employed as an Innaq Inuksiutiliriji in the 2010 - 2011 school year and began his or her duties before this section came into force but the requirements set out in paragraphs (1)(a), (b) and (c) have not been satisfied in the 2010 - 2011 school year:

- (a) the district education authority shall ensure that the requirements set out in paragraphs (1) (a), (b) and (c) are satisfied within 30 days after these regulations came into force if the elder is to continue his or her employment after those 30 days; and
- (b) despite subsection (3), the Elder may continue to perform his or her duties during the 30 days referred to in paragraph (a).

(5) 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.

26. 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

27. (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

28. 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.

Directions

29. The following documents apply in the transition period and are deemed to be directions given by the Minister under the new Act:

- (a) the departmental directive dated July, 2001 and titled "Student Records and Information Management";
- (b) the document dated 2008 and titled "*Inuglugijaittuq: Foundation for Inclusive Education in Nunavut Schools*";
- (c) the document dated 2008 and titled "*Ilitaunnikuliriniq: Foundation for Dynamic Assessment as Learning in Nunavut Schools*"; and
- (d) the document dated 2007 and titled "*Inuit Qaujimajatuqangit: Education Framework for Nunavut Curriculum*".

Oath of Office

30. The following is prescribed for the transition period for the purposes of subsection 130(3) of the new 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).

District Education Authorities: Remuneration and Expenses

31. (1) Sections 3, 4 and 5 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 remuneration and expenses of the members of a district education authority.

(2) Despite subsection (1), 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.

(3) In the transition period, Elders appointed under subsection 133(1) of the new Act by a district education authority are entitled to remuneration equal to the remuneration of a member of the district education authority who is not its chairperson and students elected under subsection 134(1) of the new Act are entitled to remuneration equal to 50 per cent of the remuneration paid to Elders.

(4) In the transition period, Elders and students referred to in subsection (3) are entitled to be paid for their expenses on the same basis as a member of the district education authority.

Restriction on Access to Schools

32. 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

33. 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.
Annual Report of District Education Authority

34. A district education authority shall make its annual reports for the 2009-2010 and 2010-2011 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

35. 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

36. 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

37. 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

38. 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.

Bank Withdrawals

39. Section 12 of the *Conduct of Business Regulations* made under the former Act is deemed to form part of these regulations and applies in the transition period with respect to withdrawals of funds referred to in section 186 of the new Act.

Private Schools

40. 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

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

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(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.

Repeals

42. The former *Transition Regulations* and the *Interim Transition Regulations* are repealed.