

EDUCATION ACT

R-009-2016

Registered with the Registrar of Regulations

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TRANSITION REGULATIONS (2016 to 2018)

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 (2016 to 2018)*.

Interpretation

1. In these regulations

“former Act” means the *Education Act*, S.N.W.T. 1995, c.28; (*ancienne Loi*)

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

“transition period” means the 2016-2017 and the 2017-2018 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.

(2) Where these regulations refer to the former Act or to a regulation that has been repealed, the reference is to the Act or regulation as it read immediately before its repeal.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 These regulations apply only during the transition period and are repealed on June 30, 2018.

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. (1) Subject to subsections (2) and (3), the teaching standards and directions that were continued before the transition period under section 6 of the *Transition Regulations (2014 to 2016)*, are continued for the transition period and are deemed to have been established or given under subsection 8(5) of the new Act.

(2) The Minister may, at any time during the transitional period, revoke teaching standards and directions deemed to have been established or given under subsection (1), and establish or give new teaching standards and directions, in accordance with subsection 8(5) of the new Act.

(3) Where there is a conflict between the teaching standards and directions deemed to have been established or given in accordance with subsection (1) and other teaching standards and directions established and given under subsection 8(5) of the new Act, the latter shall prevail.

Local Programs

7. (1) Subject to subsections (2) to (5), local programs that were deemed to have been approved under subsection 7(1) the *Transition Regulations (2014 to 2016)* 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) A district education authority may, of its own initiative, 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).

(4) The deemed approval of a local program ends on:

- (a) the day as the Minister may specify in his or her request under subsection (2); or
- (b) the day as the district education authority may specify in a submission under subsection (3) that has been approved by the Minister.

(5) Where there is a conflict between contents of local programs deemed to have been approved in accordance with subsection (1) and contents of other local programs approved by the Minister under section 9 of the new Act, the latter shall prevail.

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.

Attendance Reports

10. (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.

Reports on Student Behaviour

11. 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.

Student Records

12. 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.

Certification, etc

13. Sections 50, 51 and 52 of the former Act, sections 1 to 4, except paragraphs 3(5)(c) and (h), sections 6 to 59 and Schedule A 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.

Private Schools

14. 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

15. (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 except the *Home Schooling Regulations* made under the former Act, a reference to a Superintendent employed under the former Act shall be read as a reference to an executive director.