

**EDUCATION ACT**

R-013-2013

Registered with the Registrar of Regulations

2013-07-04

**DISTRICT EDUCATION AUTHORITY ADMINISTRATION REGULATIONS**

The Commissioner in Executive Council, under sections 138, 155, 181, 189 and 203 of the *Education Act*, S.Nu. 2008, c. 15, and every enabling power, makes the attached *District Education Authority Administration Regulations*.

Innait Inuksiutilirijiit

1. A district education authority shall not employ an Elder as an Innaq Inuksiutiliriji unless it is of the opinion that appropriate education staff will be available to provide reasonable support to the Elder in performing the proposed work, such as by assisting the Elder with instructing or by providing equipment, materials, transportation or interpretation when necessary.

2. (1) A district education authority shall not employ an Elder as an Innaq Inuksiutiliriji unless
- (a) the Elder has received, either orally or in writing, from the district education authority or from a member of the education staff an explanation of
    - (i) his or her duties and what is expected of him or her,
    - (ii) the Inuuqatigiitsiarniq policy of the district education authority,
    - (iii) the school rules and procedures that are relevant to the carrying out of his or her role in the school,
    - (iv) the rate of pay and payment procedures,
    - (v) the expected number of hours of employment involved, and
    - (vi) the supports that will be provided by the school to the Elder to facilitate the work in which he or she will be involved, such as assistance with instructing, equipment, materials, transportation and interpretation;
  - (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 record check completed by the police within the 90 days before an offer of employment is made and a copy of the criminal record check has been provided to the district education authority; and
  - (e) the district education authority has considered the criminal record check in consultation with the principal and has determined that it is appropriate to employ the Elder.

(2) The criminal record checks referred to in paragraph (1)(d) and subsection (7) 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, at the request of an Elder, assist the Elder to complete a criminal record check required by this section.

(5) An Elder employed as an Innaq Inuksiutiliriji shall notify the district education authority immediately upon being found guilty of, or charged with, an offence that would be revealed by a criminal records check.

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

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(7) A district education authority shall notify the Elder not less than 90 days before the end of the five-year period referred to in subsection (6) that a new criminal record check is required if the Elder is to continue as an employee of the district education authority and paragraph (1)(e) applies to the new criminal record check.

### Oath of Office

3. 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 placed in me as a (name of office).

### Access to Schools by Members

4. A member of a district education authority shall not be present on school premises unaccompanied by a member of the education staff when children are present if the criminal record check required by section 136 of the Act discloses pending charges or a finding of guilt with respect to any offence listed in the Schedule, or if it reveals that the member has been ordered to enter into, or is bound by, a recognizance under sections 810, 810.01, 810.1 or 810.2 of the *Criminal Code* (Canada).

### Resignation of Members

5. (1) A member of a district education authority may only resign by submitting a letter of resignation to the district education authority.

(2) The resignation of a member of a district education authority is effective on the date set out in the letter of resignation, or if no effective date is set out, it is effective on the day it is received by the district education authority.

(3) The chairperson or vice-chairperson may resign his or her position as chairperson or vice-chairperson, as the case may be, without resigning his or her position as a member of the district education authority.

(4) If all the members of a district education authority wish to resign at the same time, they may resign by sending the Minister a notice in writing to that effect, and their resignations are effective on the day that their successor or successors take office.

### Ceasing to be a Member

6. A person ceases to be a member of a district education authority if he or she

- (a) is convicted of an offence under the Act or the regulations made under the Act;
- (b) would, after his or her election, not be eligible under the *Local Authorities Elections Act* to be a candidate at an election for members of the district education authority;
- (c) contravenes the by-law of the district education authority related to attendance at meetings of the district education authority by its members; or
- (d) contravenes the code of conduct established by the district education authority for its members.

### Quorum

7. (1) The quorum for meetings of a district education authority other than the *Commission scolaire francophone* is four members.

(2) The quorum for meetings of the *Commission scolaire francophone* is three members.

(3) A quorum is required in order to hold a meeting of a district education authority and no decision of a district education authority is binding unless it is made at a meeting at which a quorum is present and voting.

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(4) Despite subsection (1), (2) or (3), if the number of members of a district education authority falls below the number required by this section to form a quorum, the Minister may, by order, provide that the remaining members constitute a quorum until an election is held to fill the vacancies.

### Meetings

**8.** (1) Subject to this section, a district education authority and its committees shall hold their meetings in public.

(2) No person shall be excluded from a public meeting of a district education authority or any of its committees except for improper conduct.

(3) A district education authority or a committee of a district education authority may, by resolution, authorize its meeting to be closed to the public if

- (a) it is of the opinion that there are private interests that would be negatively affected by holding the meeting in public, and there is no over-riding public interest that would be negatively affected by closing the meeting; and
- (b) the resolution is made by at least 2/3 of the members present.

(4) A district education authority or a committee of a district education authority shall not discuss, except at a meeting that is closed to the public, any matter involving personal information related to any individual.

(5) No district education authority or committee of a district education authority has the power at a meeting that is closed to the public under subsection (3) or (4) to make a resolution other than a resolution to revert to a public meeting.

(6) Subsections (1) to (5) do not apply to

- (a) a panel appointed for the purposes of section 107 of the Act; or
- (b) a meeting to which subsection (7) applies.

(7) A district education authority or a committee of a district education authority may discuss and vote on matters related to litigation or proposed litigation involving the district education authority at a meeting that is not open to the public and the district education authority or committee shall ensure that a notation of any resolution voted on is made in the minutes of the meeting, noting whether the resolution was adopted but giving no other details.

### Monthly Meetings and Minutes of Meetings

**9.** (1) A district education authority shall meet at least once in each month in which there is an instructional day in a school under its jurisdiction.

(2) A district education authority shall ensure that minutes are made of each of its meetings and of each of the meetings of its committees.

(3) A district education authority shall ensure that the minutes of its meetings and of the meetings of its committees are available for review by the public not later than 45 days following the meeting to which they relate.

### Annual Meeting

**10.** (1) Not later than October 31 in each school year, a district education authority shall hold a public meeting to report to the community on its activities and to discuss its report under section 96 of the *Financial Administration Act* for its most recently completed financial year.

(2) A district education authority shall give two weeks public notice of the meeting required by subsection (1).

- (3) The notice required by subsection (2) must set out the date, time, place and purpose of the meeting.

#### By-laws for the Transaction of Business

- 11.** (1) A district education authority shall make by-laws governing the procedures to be followed in transacting its business.
- (2) Without restricting the generality of subsection (1), the by-laws of a district education authority must include
- (a) rules of order for meetings of the district education authority and its committees;
  - (b) procedures to be followed in making decisions;
  - (c) the method of selecting the chairperson and the vice-chairperson;
  - (d) the order of business for meetings of the district education authority;
  - (e) rules related to attendance at meetings of the district education authority and its committees and the consequences, if any, for absenteeism; and
  - (f) procedures for updating and amending the by-laws of the district education authority.

#### Code of Conduct

- 12.** A district education authority shall, by by-law, establish a code of conduct for its members.

#### Consultation on By-Laws

- 13.** A district education authority shall consult with the community in developing a by-law by giving the community at least two weeks to consider and comment on the proposed by-law between its second and third readings.

#### Duties of Finance Committee

- 14.** (1) In addition to any other duties that may be assigned to it, a finance committee established under paragraph 140(c) of the Act shall
- (a) monitor, on an on-going basis, the financial status of the district education authority;
  - (b) ensure that all expenditures are approved by motion of the district education authority;
  - (c) review each month a report prepared by or for the committee on the budget position of the district education authority as of the end of the most recent month; and
  - (d) report at least quarterly to the district education authority on the financial status of the district education authority.
- (2) A district education authority shall
- (a) provide a copy of each report referred to in paragraphs (1)(c) and (d) to the principal of each school under its jurisdiction; and
  - (b) make each report referred to in paragraphs (1)(c) and (d) available to the public.

#### Third-Party Funding

- 15.** (1) In addition to the items set out in section 183(1) of the Act, the operating budget of a district education authority must 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) The annual report of a district education authority submitted under section 96 of the *Financial Administration Act* must 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

**16.** 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

**17.** (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 make a by-law designating two of its members as the members who may approve withdrawals as described in paragraph (1)(b).

Election of Members of the *Commission scolaire francophone*

**18.** (1) The members of the *Commission scolaire francophone* shall hold office such that three members are elected in one year, two members are elected in the next year and none are elected in the following year.

(2) Despite the repeal of section 6.1 of the *Administration and Finance Regulations*, the three members of the *Commission scolaire francophone* who received the highest number of votes at the general election preceding the coming into force of subsection (1) shall hold office for three years and the two with the next highest number of votes shall hold office for one year from the time of their election.

Transitional Rule: By-laws Under Sections 11 and 12

**19.** A district education authority shall have until July 1, 2014 to make by-laws as required by sections 11 and 12.

Repeals

**20.** (1) Sections 1 and 4 to 11 of the *Administration and Finance Regulations* and the headings preceding them are repealed.

(2) Sections 19, 23, 26, 27 and 28 of the *Transition Regulations (2012 to 2014)* are repealed.

Coming into force

**21.** These Regulations come into force on the later of July 1, 2013 or the day they are registered with the Registrar of Regulations.

Schedule

Prescribed Occurrences  
(Section 136 of the Act, section 4 of these Regulations)

From the *Criminal Code* (Canada):

- s. 151 (Sexual interference)
- s. 152 (Invitation to sexual touching)
- s. 153 (Sexual exploitation)
- s. 153.1 (Sexual exploitation of person with disability)
- s. 155 (Incest)
- s. 160 (Bestiality)
- s. 162 (Voyeurism)
- s. 163 (Corrupting morals)
- s. 163.1 (Child pornography)
- s. 170 (Parent or guardian procuring sexual activity)
- s. 171 (Household permitting sexual activity)
- s. 171.1 (Making sexually explicit material available to child)
- s. 172 (Corrupting children)
- s. 172.1 (Luring a child)
- s. 172.2 (Agreement or arrangement – sexual offence against child)
- s. 173 (Indecent acts)
- s. 174 (Nudity)
- s. 212 (1) (Procuring)
- s. 212 (2) (Living on the avails of prostitution of person under eighteen)
- s. 212 (2.1) (Aggravated offence in relation to living on the avails of prostitution of a person under the age of eighteen years)
- s. 212 (4) (Prostitution of person under eighteen)
- s. 215 (Duty of person to provide necessaries)
- s. 218 (Abandoning child)
- s. 220 (Causing death by criminal negligence)
- s. 221 (Causing bodily harm by criminal negligence)
- s. 235 (Murder)
- s. 236 (Manslaughter)
- s. 237 (Infanticide)
- s. 238 (Killing unborn child in act of birth)
- s. 239 (Attempt to commit murder)
- s. 240 (Accessory after fact to murder)
- s. 241 (Counselling or aiding suicide)
- s. 242 (Neglect to obtain assistance in child-birth)
- s. 243 (Concealing body of child)
- s. 244 (Discharging firearm with intent)
- s. 244.1 (Causing bodily harm with intent –air gun or pistol)
- s. 244.2 (Discharging firearm – recklessness)
- s. 245 (Administering noxious thing)
- s. 264 (Criminal harassment)
- s. 264.1 (Uttering threats)
- s. 266 (Assault)
- s. 267 (Assault with a weapon or causing bodily harm)
- s. 268 (Aggravated assault)
- s. 269 (Unlawfully causing bodily harm)
- s. 270 (Assaulting a peace officer)
- s. 270.01 (Assaulting a peace officer with a weapon or causing bodily harm)
- s. 270.02 (Aggravated Assault of Peace Officer)
- s. 270.1 (Disarming a peace officer)

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- s. 271 (Sexual assault)
- s. 272 (Sexual assault with a weapon, threats to a third party or causing bodily harm)
- s. 273 (Aggravated sexual assault)
- s. 273.3 (Removal of child from Canada)
- s. 279 (1) (Kidnapping)
- s. 279 (2) Forcible confinement)
- s. 279.1 (Hostage taking)
- s. 280 (Abduction of person under 16)
- s. 281 (Abduction of person under 14)
- s. 282 (Abduction in contravention of custody order)
- s. 283 (Abduction)
- s. 423 (Intimidation)
- s. 430(2) (Mischief causing danger to life)
- s. 433 (Arson – disregard for human life)
- s. 445 (Injuring or endangering other animals or birds)
- s. 445.1 (Causing unnecessary suffering to animals or birds)
- s. 446 (Causing damage or injury to animals or birds)
- s. 811 (Breach of recognizance)

From the *Controlled Drugs and Substances Act* (Canada):

- s. 4 (1) (Possession of substance)
- s. 5 (Trafficking a substance)
- s. 6 (Importing and exporting)
- s. 7 (Production of substance)

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