



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **EDUCATION ACT SABBATICAL LEAVE REGULATIONS**

## PLEASE NOTE

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For more information concerning the history of these regulations, please see the ***Table of Regulations*** on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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**EDUCATION ACT****Chapter E-.02****SABBATICAL LEAVE REGULATIONS**

Pursuant to section 107 of the *Education Act* R.S.P.E.I. 1988, Cap. E-.02, Council made the following regulations:

**1. Definitions**

In these regulations,

- (a) “**Act**” means the *Education Act* R.S.P.E.I. 1988, Cap. E-.02;
- (b) “**committee**” means the sabbatical leave committee established pursuant to section 3;
- (c) “**distance education program**” means an education program in which a student principally participates through means other than the physical attendance of the student at the institution providing the program;
- (d) “**sabbatical leave**” means a leave of absence from employment as instructional personnel in a teaching position with an education authority for up to one full school year for the purpose of pursuing an education program approved by the education authority. (EC529/16; 186/19)

**2. Sabbatical leave subject to funding**

The granting of sabbatical leave in accordance with section 35 of the Act and these regulations is subject to the amount of funds, if any, appropriated by the Minister for an education authority for that purpose. (EC529/16)

**3. Sabbatical leave committee**

- (1) On the commencement of a school year, the education authorities shall jointly establish a sabbatical leave committee consisting of the following members:
  - (a) the chairperson, nominated by the Minister;
  - (b) two members nominated by the Prince Edward Island Teachers’ Federation;
  - (c) one member nominated by the Public Schools Branch;
  - (d) one member nominated by the French Language School Board.

**Purpose of committee**

- (2) The purpose of the committee is to review and make recommendations to each education authority respecting applications made to the education authority for sabbatical leave.



**Quorum**

- (3) The quorum of the committee is five members. (EC529/16; 186/19)

**4. Eligibility to apply**

- (1) A teacher is eligible to apply for sabbatical leave if the teacher is employed by an education authority as instructional personnel under a permanent contract in a full-time teaching position in a school operated by the education authority.

**Factors**

- (2) An education authority shall take into consideration the following in determining whether to grant sabbatical leave to a teacher who is eligible to apply in accordance with subsection (1) and has applied in accordance with subsection 5(1):
- (a) whether the teacher has previously taken sabbatical leave;
  - (b) whether the education program the teacher proposes to take addresses priority areas of need in the education system as identified by the Minister and the education authority;
  - (c) the contribution of the teacher during non-instructional time to the teaching profession, the school he or she teaches at and the students of the school;
  - (d) the teacher's commitment to lifelong learning as demonstrated through past education and training;
  - (e) the teacher's seniority level within the education system operated by the education authority;
  - (f) the qualification level of the teacher's license held by the teacher;
  - (g) letters of recommendation respecting the teacher. (EC529/16; 761/24)

**5. Application**

- (1) An applicant for sabbatical leave shall submit an application to his or her employing education authority, in the form required by the education authority, not later than November 15 of the school year immediately prior to the school year for which the leave is requested.

**Referral to committee**

- (2) The education authority shall refer any applications for sabbatical leave it receives under subsection (1) to the committee not later than November 30 of the school year in which the applications were received.

**Committee recommendations**

- (3) The committee shall, taking into consideration section 4, review and make recommendations to the education authority respecting the applications for sabbatical leave not later than December 15 of the school year in which the applications were received.

**Notification to successful applicants**

- (4) The education authority shall, not later than January 19 of the school year in which the applications were received,
- (a) determine which applicants, if any, are to be granted sabbatical leave during the next school year; and
  - (b) notify each applicant, in writing, whether the applicant has been granted sabbatical leave during the next school year.

**Service**

- (5) A notice referred to in clause (4)(b) shall be served personally or by registered mail on the applicant and, if mailed, is deemed to have been received by the applicant five business days after mailing.

**Conditional on agreement**

- (6) Notwithstanding subsection (4), a grant of sabbatical leave is conditional on the education authority and the teacher entering into a written agreement regarding the sabbatical leave, which may include
- (a) terms requiring the teacher to return to service as instructional personnel with the education authority for a period equivalent to three school years following the sabbatical leave;
  - (b) terms requiring the teacher to repay to the education authority all or a portion of the salary paid to the teacher pursuant to clause 7(1)(a) or 7(2)(a) while on the sabbatical leave, if the teacher fails to complete the course of study for which the leave was granted or fulfill the return of service requirements referred to in clause (a); and
  - (c) other terms and conditions as agreed to by the parties.

**No conflict**

- (7) An agreement referred to in subsection (6) shall not conflict with the Act, the regulations or a current collective agreement governing the parties. (EC529/16; 761/24)

**6. Permitted to substitute**

A teacher who is granted sabbatical leave by an education authority may enter into employment with an education authority as a substitute teacher during the sabbatical leave. (EC529/16)

**7. Salary during sabbatical leave**

- (1) Except in the circumstances described in subsection (2), while a teacher is on sabbatical leave
- (a) the education authority that granted the sabbatical leave shall pay to the teacher an amount equal to 60% of the salary the teacher would receive if the teacher were teaching full time; and
  - (b) where the teacher is employed as a substitute teacher by an education authority, that education authority shall not pay to the teacher as salary for substitute teaching an amount greater than 40% of the salary the teacher would receive if the teacher were teaching full time.

**Exception, program not available in province**

- (2) Where a teacher on sabbatical leave is taking an education program, other than a distance education program, outside the province and the education program is not readily available to the teacher in the province, while the teacher is on sabbatical leave
- (a) the education authority that granted the sabbatical leave shall pay to the teacher an amount equal to 70% of the salary the teacher would receive if the teacher were teaching full time; and
  - (b) where the teacher is employed as a substitute teacher by an education authority, that education authority shall not pay to the teacher as salary for substitute teaching an amount greater than 30% of the salary the teacher would receive if the teacher were teaching full time.

**Not more than 100%**

- (3) For greater certainty, a teacher on sabbatical leave shall not receive, in aggregate, more than 100% of the salary the teacher would receive if the teacher were teaching full time. (EC529/16)

**8. Pension contributions**

- (1) An education authority shall deduct contributions to the Prince Edward Island Teachers' Superannuation Fund from salary payable under section 7 to a teacher on sabbatical leave, in accordance with the *Teachers' Superannuation Act* R.S.P.E.I. 1988, Cap. T-1.

**PEITF dues**

- (2) An education authority shall deduct dues payable to the Prince Edward Island Teachers' Federation from salary payable under section 7 to a teacher on sabbatical leave, in accordance with the collective agreement applicable to instructional personnel that is made pursuant to Part VII of the Act. (EC529/16)

**9. Revocation**

The *School Act* Sabbatical Leave Regulations(EC482/98) are revoked. (EC529/16)