



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

EDUCATION ACT STUDENT REGULATIONS

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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).

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EDUCATION ACT
Chapter E-.02

STUDENT REGULATIONS

Pursuant to subsection 26(2) and section 107 of the *Education Act* R.S.P.E.I. 1988, Cap. E-.02, Council made the following regulations:

INTERPRETATION

1. Definitions

In these regulations,

- (a) “**Act**” means the *Education Act* R.S.P.E.I. 1988, Cap. E-.02;
- (b) “**elementary education program**” means an education program at a grade level ranging from kindergarten to grade nine;
- (c) “**hearing committee**” means the hearing committee appointed by an education authority under section 53 of the Act;
- (d) “**secondary education program**” means an education program at a grade level ranging from grade ten to twelve. (EC531/16)

ENROLMENT

2. Enrolment in English school system

- (1) To enrol the parent’s school-aged child in the English school system, a parent shall apply to the Public Schools Branch in the form approved by the Public Schools Branch.

Information required

- (2) An application under subsection (1) shall include
 - (a) the following information respecting the child:
 - (i) legal name,
 - (ii) gender,
 - (iii) date and place of birth,
 - (iv) residence address and telephone number,
 - (v) most recent grade and school attended, if applicable;

- (b) the name, residence address and phone number of each parent of the child;
- (c) confirmation of the Canadian citizenship or temporary or permanent resident status of the child or a parent of the child;
- (d) the name of any sibling of the child who is attending a school in the English school system;
- (e) academic achievement records of the child, if applicable; and
- (f) academic support information, including psychometric and health information, if applicable. (EC531/16; 102/17; 426/22)

3. Enrolment in French school system – eligible parent

- (1) To enrol the parent's school-aged child in the French school system, an eligible parent shall
 - (a) apply to the French Language School Board in the form approved by the French Language School Board;
 - (b) file a declaration, in the form approved by the French Language School Board, establishing that he or she is an eligible parent; and
 - (c) provide any further information requested by the French Language School Board in support of the declaration.

Required information

- (2) An application under subsection (1) shall include
 - (a) the following information respecting the child:
 - (i) legal name,
 - (ii) gender,
 - (iii) date and place of birth,
 - (iv) residence address and telephone number,
 - (v) French language proficiency,
 - (vi) most recent grade and school attended, if applicable;
 - (b) the name, residence address and phone number of each parent of the child;
 - (c) confirmation of the Canadian citizenship or temporary or permanent resident status of the child or a parent of the child;
 - (d) the name of any sibling of the child who is attending a school in the French school system;
 - (e) academic achievement records of the child, if applicable; and
 - (f) academic support information, including psychometric and health information, if applicable.

Refusal to enrol

- (3) The French Language School Board may refuse to enrol a school-aged child in the French school system if the parent of the child is not an eligible parent. (EC531/16; 102/17; 426/22)

4. Enrolment in French school system – not eligible parent

- (1) To seek approval to enrol the parent's school-aged child in the French school system, a parent who is not an eligible parent shall apply to the French Language School Board in the form approved by the French Language School Board.

Required information

- (2) An application under subsection (1) shall include
- (a) the following information respecting the child:
 - (i) legal name,
 - (ii) gender,
 - (iii) date and place of birth,
 - (iv) residence address and telephone number,
 - (v) French language proficiency,
 - (vi) most recent grade and school attended, if applicable;
 - (b) the name, residence address and phone number of each parent of the child;
 - (c) confirmation of the Canadian citizenship or temporary or permanent resident status of the child or a parent of the child;
 - (d) the name of any sibling of the child who is attending a school in the French school system;
 - (e) academic achievement records of the child, if applicable; and
 - (f) academic support information, including psychometric and health information, if applicable.

Conditions for approval

- (3) The French Language School Board may approve an application submitted in accordance with subsections (1) and (2) if the French Language School Board is satisfied that
- (a) French first language instruction is appropriate for the child, considering the child's needs and academic proficiency; and
 - (b) enrolment of the child will not interfere with the ability of an eligible parent to enrol the parent's child in the French school system. *(EC531/16; 102/17; 426/22)*

TUITION FEES

5. Education Service Agreement

For the purpose of clause 1(1)(h) of the Act, the following organizations or governments may be a party to an Education Service Agreement:

- (a) Lennox Island First Nation;
- (b) Abegweit First Nation;
- (c) Ganzhou #3 Middle School (Ganzhou, China);
- (d) a provincial or territorial government;
- (e) an organization that provides agency services to persons outside of Canada who are seeking education opportunities in Prince Edward Island. *(EC531/16)*

6. Tuition fee, July and August

- (1) For the purpose of subsection 44(2) of the Act, the tuition fee for enrolment in a course offered by an education authority during July or August is \$300 per course.

Tuition fees, full or part school year

- (2) For the purpose of subsections 44(3) and 45(1) of the Act, the following tuition fees are prescribed:
- (a) \$10,600 for a school year;
 - (b) \$5,300 for a semester of a school year. *(EC531/16; 756/18; 80/24)*

INDEPENDENT STUDENTS

6.1 Application for designation as independent student

- (1) A student who is 16 years of age or older may apply to the Director, in the form required by the Director, to be designated as an independent student.

Factors

- (2) The Director may designate the student as an independent student where the Director determines that the student is living independently of the parents of the student, after considering relevant factors including
- (a) the student's living arrangements;
 - (b) the student's financial means and support;
 - (c) the student's responsibility for significant decisions affecting the student;
 - (d) the duration of any independent living or financial arrangements; and
 - (e) any legal proceedings related to parental rights in respect of the student.

Evidence

- (3) The Director may consider representations and documentation provided by the student, a parent of the student and any other person who has information relevant to the determination under subsection (2).

Decision

- (4) The Director shall give notice in writing to the student and a parent of the student of the Director's decision on the student's application, with reasons, and of the right to appeal the decision under section 55 of the Act. *(EC68/25)*

DISCIPLINE

Hearing Committee

7. Qualifications for hearing committee

Revoked by EC426/22 *(EC531/16; 426/22)*

8. Hearing procedures

- (1) Subject to the Act, these regulations and the rules of natural justice, a hearing committee may determine its own procedures in holding a hearing under section 54 or 55 of the Act.

Rules of evidence

- (2) A hearing committee is not bound by the strict rules of evidence or the provisions of the *Evidence Act* R.S.P.E.I. 1988, Cap. E-11.

Retaining assistance

- (3) A hearing committee may retain any legal or other assistance that it considers necessary for the purpose of conducting a hearing.

Powers, privileges and immunities

- (4) In the discharge of the functions of the hearing committee, the hearing committee and each member of the hearing committee have all of the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act* R.S.P.E.I. 1988, Cap. P-31. (EC531/16)

Conditions or Suspension**9. Report to parent, conditions or suspension**

- (1) For the purpose of subsections 51(3) and (5) of the Act, the principal or Director, as the case may be, shall report the imposition of conditions on, or the suspension of, a student to a parent of the student promptly by telephone, if possible, and by notice in writing within five business days of the imposition of the conditions or suspension.

Contents of notice

- (2) The notice referred to in subsection (1) shall include
- (a) a description of the circumstances leading to, and the reasons for and duration of, the placement of conditions on or suspension of the student;
 - (b) a copy of any supporting documentation; and
 - (c) information respecting the right of the parent under section 55 of the Act to appeal the decision of the principal or the Director, as the case may be. (EC531/16)

10. Report to education authority, conditions or suspension

For the purpose of subsection 51(5) of the Act, the Director shall promptly report the imposition of conditions on, or the suspension for more than five consecutive instructional days of, a student to the chairperson of the respective education authority in writing. (EC531/16)

Appeal**11. Notice of appeal**

- (1) For the purpose of subsection 55(1) or (1.1) of the Act, a parent of a student or a student may file a notice of appeal in writing with the education authority within ten days of receiving notice or otherwise having knowledge of the decision under appeal.

Contents of notice

- (2) The notice of appeal shall include
- (a) a copy of the notice of decision under appeal or information and any supporting documentation respecting the decision under appeal; and
 - (b) a description of the basis for the appeal.

Duties of education authority

- (3) Where an education authority has received a notice of appeal under subsection (1), the education authority shall promptly
- (a) refer the matter, by sending a copy of the notice of appeal, to the hearing committee to hold a hearing in accordance with subsection 55(3) of the Act; and
 - (b) give notice in writing to the appellant that the matter has been referred to the hearing committee.

Date, time and location of hearing

- (4) The hearing committee of the education authority shall, not less than ten days before the hearing, give notice in writing of the hearing date, time and location to a parent of the student, the student and the Director. *(EC531/16; 102/17; 68/25)*

12. In camera

A hearing held to consider an appeal under section 55 of the Act shall be held in camera. *(EC531/16; 68/25)*

Expulsion

13. Considering expulsion

- (1) Where the Director of an education authority is considering the expulsion of a student pursuant to section 54 of the Act, the Director shall
- (a) refer the matter, by notice in writing, to the hearing committee to hold a hearing in accordance with subsection 54(2) of the Act; and
 - (b) send a copy of the notice referred to in clause (a) to a parent of the student.

Contents of notice

- (2) The notice referred to in subsection (1) shall include a description of the student conduct that led to the referral of the matter to the hearing committee and a copy of any supporting documentation.

Notice of hearing date, time, location

- (3) The hearing committee shall, not less than ten business days before the hearing, give notice in writing of the hearing date, time and location to a parent of the student and the chairperson of the education authority. *(EC531/16; 102/17; 426/22)*

14. Hearing in camera

A hearing held to consider the expulsion of a student under section 54 of the Act shall be held in camera. *(EC531/16)*

15. Authority of hearing committee

- (1) After holding a hearing under section 54 of the Act, a hearing committee shall decide whether there is sufficient reason to justify the expulsion of the student.

Written decision

- (2) A hearing committee shall, within ten business days of completing a hearing, give notice in writing of its decision under subsection (1), including reasons for the decision, to a parent of the student and the chairperson of the education authority. (EC531/16; 102/17)

16. Authority of education authority

- (1) Where a hearing committee has decided that there is sufficient reason to justify the expulsion of a student, the Director of the education authority may expel the student.

Notice of expulsion

- (2) The Director of an education authority shall promptly give notice of an expulsion in writing to a parent of the student, including the reasons for and the duration of the expulsion. (EC531/16; 426/22)

Joinder of Proceedings**17. Same or related matters**

Where the proceedings relate to the same or a related matter, the hearing committee may hold a single hearing to consider both

- (a) the expulsion of a student under section 54 of the Act; and
- (b) an appeal under section 55 of the Act. (EC531/16)

GENERAL**18. Service**

A notice given or sent to a person under these regulations shall be served personally or by registered mail on the person and, if mailed, is deemed to have been received by the person five business days after mailing. (EC531/16)

19. Revocation

The *School Act* Students and Parents Regulations (EC69/96) and the *School Act* French First Language Instruction Regulations (EC480/98) are revoked. (EC531/16)