



## **PLEASE NOTE**

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For more information concerning the history of these regulations, please see the [Table of Regulations](#).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office  
Tel: (902) 368-4291  
Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)

## CHAPTER S-2.1

### SCHOOL ACT

#### PRIVATE SCHOOLS AND HOME EDUCATION REGULATIONS

Pursuant to section 147 of the *School Act* R.S.P.E.I. 1988, Cap. S-2.1, Council made the following regulations:

#### PRIVATE SCHOOLS

1. In these regulations, “private school” means any school that is not operated by a school board or the Department that offers an elementary or secondary program. (EC534/95) “private school”,  
defined
2. No private school shall be operated in the province without a license issued by the Minister. (EC534/95) Approval required
3. (1) Subject to subsection (2) and to section 4, the Minister may license a private school, if, in the Minister’s opinion, the private school makes provision for the effective instruction of its students. Approval of private  
school
  - (2) The following criteria must be met prior to the grant of a license to a private school: Criteria
    - (a) the plan for the operation of the private school, including an outline of the private school’s goals, the program of study, a course outline by grade level and plans for staffing the school, shall be submitted to, and recommended for approval by, the Department;
    - (b) all teachers and administrators employed by the school shall be eligible for a P.E.I teaching certificate, in accordance with the standards and criteria recommended by the Certification and Standards Board and approved or varied by the Minister;
    - (c) the private school shall provide the Department with evidence that it meets health, fire and safety standards established by the province. (EC534/95; 452/10)
- 3.1 (1) A private school shall ensure that, when enrolling a child in school, a child who is five years of age and is eligible to be enrolled in school in accordance with the Act and the regulations, shall be enrolled in kindergarten in the private school. Enrolment of  
students – five  
years
- (2) A private school shall ensure that, when enrolling a child in school, a child who is six years of age and is of compulsory school age in accordance with the Act and the regulations, shall be Enrolment of  
students – six years
  - (a) enrolled in kindergarten; or

(b) enrolled in grade one if the child has completed a kindergarten program approved by the Minister.

Approved kindergarten program

(3) For the purposes of clause (2)(b), a kindergarten program is approved by the Minister if an inspector appointed by the Minister under section 135 of the Act determines that the kindergarten program was offered by a school board or is equivalent to a kindergarten program offered by a school board.

Standards

(4) Subsections (1) and (2) are standards to be maintained by a private school for the purposes of section 134 of the Act. (EC452/10)

Inspection and tests

**4.** (1) Subject to subsection (2), the Minister shall have the right to inspect, annually and as often as the Minister determines is necessary, any private school, including examination of the physical facilities and course materials and the observation of classes taught by the school, and the Minister shall also have the right to administer tests to the students.

Review

(2) The Minister may determine, as a result of an inspection, that a review of the license to operate a private school is necessary.

Inspectors

(3) The Minister's functions may be carried out by inspectors appointed under section 135 of the Act. (EC534/95)

Reports, enrolment

**5.** (1) A private school shall provide the Minister with annual reports on enrolment on or before September 30 of each year.

*Idem*, attendance

(2) A private school shall provide the Minister with monthly reports on attendance due on the 15th of each following month, during the school year.

Review

(3) The Minister may determine that the reports provided pursuant to subsection (1) or (2) warrant a review of the operation of the private school. (EC534/95)

Changes

**6.** (1) A private school shall submit proposed changes to the program of study to the Minister for approval.

Approval

(2) No private school shall change its program of study without the prior written approval of the Minister. (EC534/95)

Textbooks

**7.** The Minister may provide authorized textbooks to a private school on the same fee basis as to other schools. (EC534/95)

Transfer of students

**8.** Private school students who transfer to a school shall be subject to placement in accordance with the Act, the regulations and Minister's directives. (EC534/95)

**9.** Where the Minister determines that a review indicates that the students in a private school are not achieving acceptable educational progress, the Minister may

Cancellation, etc. of license

- (a) give the private school notice to remedy the deficiencies found, within a specified time period; or
- (b) suspend or cancel the private school's license and give notice to the parents of the students attending it that the students are required to enrol with the appropriate school board within a specified time period. (EC534/95)

**10.** The Minister may suspend or cancel a private school license in accordance with section 134 or 136 of the Act. (EC534/95)

*Idem*

#### APPEAL BOARD

**11.** (1) A private school has the right to appeal a suspension or cancellation of license pursuant to section 134 or 136 of the Act by giving written notice of appeal to the Minister within 30 days of receipt of the notice of suspension or cancellation by the Minister.

Appeal

(2) The private school shall include in the notice of appeal the name of the private school's appointee to the Appeal Board. (EC534/95)

Nomination

**12.** (1) The Appeal Board shall be comprised of the following:

Composition

- (a) an appointee of the private school;
- (b) an appointee of the Minister, appointed within 10 days of receipt of the notice of appeal; and
- (c) a chairperson to be appointed by the two appointees referred to in clauses (a) and (b).

(2) The appointees of the private school and the Minister shall, within 30 working days of the last appointment, appoint a third person to act as chairperson.

Appointment of chairperson

(3) In the event that the appointees fail to agree on a chairperson as provided in subsection (3), either appointee may request that the Minister of Community and Cultural Affairs appoint a chairperson. (EC534/95; EC594/00)

*Idem*

**13.** The appeal Board may

Powers

- (a) hear and determine the private school's appeal;
- (b) administer oaths and affirmations;
- (c) summon and enforce the attendance of witnesses and to compel them to give oral or written evidence, and to produce documents; and
- (d) hold a hearing in the same manner as a court of record in civil cases. (EC534/95)

Procedure	<b>14.</b> Except where otherwise provided in these regulations, an Appeal Board may determine its own procedure respecting the hearing and it shall give the parties the opportunity to be heard and to be represented by counsel or the authorized representative, or both. (EC534/95)
Notice of hearing	<b>15.</b> (1) The chairperson of the Appeal Board shall give notice to the parties of the date, time and place of the hearing.
Absence	(2) Notwithstanding any other provision of these regulations, in the case of the absence of any member of the Appeal Board due to illness or other reasonable cause, the other two members shall not proceed until the absent member has returned or been replaced.
Majority decision	(3) The decision of the majority of the members of the Appeal Board shall govern on questions of procedure, admissibility of evidence and other matters which arise during the hearing, but lacking a majority decision, the decision of the chairperson shall govern. (EC534/95)
Decision	<b>16.</b> (1) Where the hearing is respecting a suspension, the Appeal Board may confirm the suspension, reduce or increase the period of suspension, or order the reinstatement of the license.
<i>Idem</i>	(2) Where the hearing is respecting a cancellation, the Appeal Board may confirm the cancellation, substitute a period of suspension for the cancellation, or order the reinstatement of the license. (EC534/95)
Reasons	<b>17.</b> (1) The Appeal Board shall render its written reasons for its decision within 30 days of the completion of the hearing and it shall provide copies of its decision to the Minister and to the parties.
Decision final	(2) The decision of the Appeal Board shall be final and binding upon the parties. (EC534/95)
Expenses	<b>18.</b> Each party to the appeal shall pay <ul style="list-style-type: none"> <li>(a) the fees and expenses of its appointee; and</li> <li>(b) one-half of the fees and expenses of the chairperson. (EC534/95)</li> </ul>

#### HOME EDUCATION PROGRAMS

Information on program	<b>19.</b> (1) The copy of a proposed home education program that is provided by a parent to the Minister under subsection 139(1) of the Act shall contain the following information: <ul style="list-style-type: none"> <li>(a) a description of the program's objectives, content and learning resources;</li> <li>(b) the name and date of birth of the child;</li> <li>(c) the name, address and telephone number of the parent;</li> <li>(d) the last school attended by the child;</li> </ul>
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- (e) the name and address of a teacher advisor who
- (i) is eligible for an instructional license under the Act, and
  - (ii) is available to the parent to provide advice or guidance to the parent on the child's home education program.

(2) A parent who provides a copy of a proposed home education program under subsection (1) shall provide to the Minister such further information as the Minister may request concerning the proposed home education program. (EC534/95; 62/05) Further information

**20.** Revoked by EC62/05. Duration

**21.** (1) A student enrolled in a home education program may attend one or more courses at a school, if, not later than April 15 of the previous school year, the parent gives written notice to the principal of the school of the intention to enrol the student in the course. School course

(2) A student enrolled in courses under subsection (1) may participate in extracurricular school activities only if the student is enrolled in the school for at least half of the instructional time in the semester. (EC534/95; 62/05) Extracurricular school activities

**22.** Notwithstanding any other provision of these regulations, textbooks for a home education program shall be provided subject to payment of a refundable deposit in an amount determined by the Minister. (EC534/95) Textbooks

**23.** Students leaving a home education program to attend a school shall be subject to placement in accordance with the Act, the regulations and to Minister's directives. (EC534/95) Placement