



PLEASE NOTE

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

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CHAPTER S-2.1

SCHOOL ACT

STUDENTS AND PARENTS REGULATIONS

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

1. (1) A person who reaches the age of five years on or before December 31 in a school year may be enrolled in a school in September of that school year. Age five for enrolment purposes

(2) No person under the age of five years may be enrolled in a school, Idem other than a private school, unless

- (a) the person may be enrolled in school under subsection (1);
- (b) the person within six months before seeking enrolment in a school in the province,
 - (i) was enrolled in a formal school program in another jurisdiction, and
 - (ii) received regular progress assessments from the administrator of the formal school program in the other jurisdiction that are provided and acceptable to the school board enrolling the person under this section; or
- (c) the person's date of birth cannot be determined and the person is assessed as being school-ready by the school board.

(2.1) No person under the age of five years may be enrolled in a Idem private school, unless

- (a) the person may be enrolled in a private school under subsection (1);
- (b) the person within six months before seeking enrolment in a private school in the province,
 - (i) was enrolled in a formal school program in another jurisdiction, and
 - (ii) received regular progress assessments from the administrator of the formal school program in the other jurisdiction that are provided and acceptable to a private school inspector appointed under section 135 of the Act; or
- (c) the person's date of birth cannot be determined and the person is assessed as being school-ready by a private school inspector appointed under section 135 of the Act. (EC69/96; 350/03; 397/06; 554/08; 454/10)

Child, age of six	2. A person who reaches the age of six years on or before December 31 in a school year shall be enrolled in a school in September of that school year. (EC69/96; 350/03; 554/08; 454/10)
Free school privileges	3. (1) Free school privileges means the privileges of attendance and education in a public school and includes <ul style="list-style-type: none"> (a) free educational instruction; (b) necessary transportation; and (c) the use of textbooks authorized by the Minister for kindergarten through grade 12.
Tuition for summer courses	(2) Notwithstanding subsection (1), persons who enrol in courses offered by a school board during the months of July and August and who have graduated from high school or are over the age of twenty years shall be required to pay a tuition fee, in such amount as may be established by Minister's directive. (EC69/96; 389/97; 454/10)
Qualification	4. (1) All students who are residents of the province in accordance with this section qualify for free school privileges.
Resident students	(2) For the purposes of these regulations, residents of the province are those students who <ul style="list-style-type: none"> (a) are between the ages of 5 and 20 years and living with a parent who is a resident of the province; (b) are between the ages of 5 and 20 years and living with an adult guardian who is resident in the province and who is eligible to claim the student as a dependent under the <i>Income Tax Act</i> (Canada); or (c) are between the ages of 16 and 20 years and not living with a parent or guardian, as determined in accordance with Minister's directives.
Non-resident students	(3) Notwithstanding subsection (2) and subject to subsection (6), a student whose parent does not have <ul style="list-style-type: none"> (a) landed immigrant, refugee or citizenship status; (b) an employment authorization under the <i>Immigration Act</i> (Canada), the primary purpose of which is for employment in Canada; or (c) a student authorization under the <i>Immigration Act</i> (Canada), the primary purpose of which is to study in Canada, is a non-resident for the purposes of these regulations.
Excluded students	(4) Persons of school age who are the responsibility of a federal government department with respect to the provision of education do not qualify for free school privileges.
Tuition fee	(5) Persons who do not qualify for free school privileges shall be required to pay a tuition fee, as determined by Minister's directive.

- (6) The Minister may issue directives setting out additional circumstances in which a parent or guardian is deemed to be a resident for the purposes of these regulations. (EC69/96; 454/10) Directives
- 5.** (1) Upon receipt of a report that a student who is of compulsory school age is frequently absent from school without satisfactory explanation, the Unit Superintendent shall investigate the report and notify the parent, in writing, of the student's attendance record and the requirements of section 69 of the Act. Frequent absence
- (2) In the event that the student's parent fails to comply with section 69 of the Act, the Unit Superintendent may recommend to the school board that a complaint respecting an offence against subsection 69(5) of the Act should be laid against the parent, the student, or both. (EC69/96) Prosecution
- 6.** (1) A principal or a Unit Superintendent who suspends a student shall Suspension
- (a) if possible, telephone the student's parent to inform the parent of the suspension and the surrounding circumstances; and
- (b) send written notice of the suspension to the student's parent, such notice to include the reason for and duration of the suspension and information respecting the right to a hearing, if any, before the school board.
- (2) Where the suspension is for more than 5 consecutive instructional days, the notice required by subsection (1) may be served personally or given by registered mail to the student's parent and, if mailed, shall be deemed to have been received by the parent 2 working days after mailing the notice. (EC69/96) Notice of suspension
- 7.** Where a student has been suspended by a principal or a Unit Superintendent for more than 5 consecutive instructional days, pursuant to section 74 of the Act, the person ordering the suspension shall request a meeting with the student's parent to discuss the circumstances of, and the reason for, the suspension. (EC69/96) Meeting
- 8.** (1) At the request of a parent of a student suspended for more than 5 consecutive instructional days, the school board shall hold a hearing respecting the suspension within 10 working days of the parent's request. Hearing by board
- (2) A parent's request for a hearing under subsection (1) shall be made not later than 5 working days from the day the parent received written notice of the suspension. (EC69/96) Time for request
- 9.** A school board may suspend or expel a student for cause, on the recommendation or complaint of a Unit Superintendent or of its own motion. (EC69/96) Suspension

“Cause”, defined	<p>10. “Cause” for the purposes of these regulations includes the following:</p> <ul style="list-style-type: none"> (a) repeated failure of a student to observe the responsibilities set out in section 72 of the Act; (b) behaviour of a student that is contrary to school or school board rules; (c) behaviour of a student that is disruptive, threatening to others, or continued use of foul or obscene or insulting language or gestures; (d) significant behaviour of a student that has adversely affected the conduct of a class or a school. (EC69/96)
Notice of hearing	<p>11. (1) Where a school board is considering the suspension or expulsion of a student pursuant to section 75 of the Act, it shall give a notice of hearing to the student's parent in accordance with section 13.</p>
Combined hearings	<p>(2) Where a student has been suspended under section 74 of the Act and the school board intends to proceed under section 75 of the Act, the hearings required under sections 74 and 75 of the Act may be combined into one hearing.</p>
<i>Idem</i>	<p>(3) The school board may combine a hearing under section 74 or 75 of the Act with a hearing under section 79 of the Act. (EC69/96)</p>
Section 79 hearing	<p>12. Where a parent appeals the decision of a school board employee that significantly affects the education, health or safety of a student, pursuant to section 79 of the Act, the school board shall hold a hearing, in accordance with these regulations. (EC69/96)</p>
Notice of hearing	<p>13. (1) The school board shall give the student and the student’s parent 10 working days notice of the hearing, together with the reasons, as applicable:</p> <ul style="list-style-type: none"> (a) for the suspension given by the principal or Unit Superintendent, under section 74 of the Act; (b) for the consideration by the school board of suspension or expulsion, under section 75 of the Act; or (c) for the decision of a school board employee, appealed under section 79 of the Act.
Service	<p>(2) The notice required by subsection (1) may be served personally, or given by registered mail to the student’s parents and, if mailed, shall be deemed to have been received by the parent 2 working days after mailing the notice. (EC69/96)</p>
Private hearing	<p>14. (1) A hearing under these regulations shall be held <i>in camera</i>.</p>
Procedure	<p>(2) Except where otherwise provided in these regulations, the school board may determine its own procedure respecting a hearing. (EC69/96)</p>

15. (1) After completion of the hearing,

(a) where the hearing is respecting a suspension by a principal or a Unit Superintendent, the school board may uphold, vary or cancel the suspension;

Action by school board

(b) where the hearing is pursuant to section 75 of the Act, the school board may order the suspension or the expulsion of the student, or it may order that the student attend school subject to written conditions, or it may determine that there is no cause to suspend or to expel the student;

(c) where the hearing is respecting a decision of a school board employee, pursuant to section 79 of the Act, the school board may confirm the decision of the employee or it may substitute another decision for that of the employee.

(2) The school board shall render a written decision within 10 working days of the completion of the hearing, and it shall state the time period of any suspension ordered, or conditions required or the effective date of the decision, as applicable. (EC69/96)

Decision

16. (1) All rights to notice, or to a hearing or any other right of a parent respecting a student under these regulations, shall also be the rights of the student where the student is an adult, and all references to a parent shall be deemed to include reference to a student who is an adult.

References to parent

(2) Nothing in these regulations hinders the school board or a school board employee from including the student in a meeting or hearing respecting

Participation by a student

(a) that student's suspension or expulsion; or

(b) the decision of a school board employee that significantly affects the education, health or safety of that student. (EC69/96)