

Notice to Principals and Teachers regarding your duties under the Education Act issued by the Department of Education and Early Childhood Education

December 1, 2016

On November 28, 2016, the Nova Scotia Teachers Union issued official notification to the Minister of Labour and Advanced Education pursuant to section 34(3)(b) of the *Teachers' Collective Bargaining Act* that the Nova Scotia Teachers Union is exercising its right to strike at 12:01am on December 5, 2016.

THIS NOTICE is being issued to ensure safety of students and full compliance with these duties at all times when you are being paid and employed as a Teacher at work and on School property. You are directed to comply with these duties at all times while you are employed and being paid as a Teacher in the public education system in Nova Scotia. The safety and security of students while at school and under the supervision of Principals and Teachers is a paramount responsibility.

Take notice of the following statutory duties which apply at all time school is in session:

1. Section 76 of the *Teachers' Collective Bargaining Act* states, "Where there is a conflict between the provisions of this Act and the Education Act, the provisions of the Education Act shall prevail."
2. Section 38 of the *Education Act* states:

PRINCIPALS

Function and duties

1. The principal of a public school is the educational leader of the school and has **overall responsibility for the school, including teachers** and other staff.
2. It is the duty of a principal to
 - a. ensure that the public school program and curricula are implemented;
 - b. keep attendance records respecting every student enrolled at the school and report thereon to the school board, as required by the school board;
 - c. take all reasonable steps to secure full and regular attendance at school of the students enrolled in the school in accordance with policies established by the school board;
 - d. communicate regularly with the parents of the students;
 - e. **ensure that reasonable steps are taken to create and maintain a safe, orderly, positive and effective learning environment;**
 - e (a). investigate and respond to reports of unacceptable behaviour of students, and, where the principal believes the wellbeing of a student has

been endangered as a result of the unacceptable behaviour of any other student, notify the parents of the students;

- f. ensure that provincial and school board policies are followed;
- g. identify the staffing needs of the school;
- h. assist the school board with the selection of staff for the school;
- i. evaluate the performance of teachers and other staff of the school;
- j. assist the school board in the development and implementation of professional-development programs;
- k. encourage teachers and other staff of the school, students and parents to participate in school decision-making through representation on school advisory councils and committees;
- l. participate in the establishment and operation of a school council;
- m. assist the school advisory council in the development of school improvement plans and, upon approval by the school board, co-ordinate their implementation;
- n. assist the school advisory council in the preparation on its annual report;
- o. account to the school board for money received from the school board or any other source;
- p. account to the school board, through the superintendent, for the performance of the school;
- q. co-operate with the staff of other departments and agencies of the Government to better meet the needs of the students in the school; and
- r. perform such other duties as are prescribed by this Act or the regulations or assigned by the superintendent.

4. Section 26 of the *Education Act* states:

TEACHERS

Duties

- 1. It is the duty of a teacher in a public school to
 - a. respect the rights of students;
 - b. teach diligently the subjects and courses of study prescribed by the regulations that are assigned to the teacher by the school board;
 - c. implement teaching strategies that foster a positive learning environment aimed at helping students achieve learning outcomes;
 - d. encourage students in the pursuit of learning;
 - e. monitor the effectiveness of the teaching strategies by analyzing outcomes achieved;
 - f. acknowledge and, to the extent reasonable, accommodate differences in learning styles;
 - g. participate in individual-program planning and implement individual program plans, as required, for students with special needs;
 - h. review regularly with students their learning expectations and progress;

- i. conduct such assessments and evaluations as are necessary to document student progress;
- j. administer such evaluation and assessment instruments as required by the school board or by the Minister;
- k. **take all reasonable steps necessary to create and maintain an orderly and safe learning environment;**
- l. **maintain appropriate order and discipline in the school or room in the teacher's charge and report to the principal or other person in charge of the school the conduct of any student who engages in unacceptable behaviour;**
- m. **maintain an attitude of concern for the dignity and welfare of each student** and encourage in each student an attitude of concern for the dignity and welfare of others and a respect for religion, morality, truth, justice, love of country, humanity, equality, industry, temperance and all other virtues;
- n. **attend to the health, comfort and safety of the students;**
- o. report immediately to the principal the existence of any infectious or contagious disease in the school or the existence of any unsanitary condition in the school buildings or surroundings, and perform such duties as are from time to time prescribed by or under the Health Protection Act;
- p. take all reasonable steps to secure full and regular attendance at school of the students under the teacher's supervision;
- q. keep accurate attendance records and report absent students to the principal as prescribed by the regulations;
- r. communicate regularly with parents in accordance with policies established by the school board;
- s. keep such records as are required by the school board or the Minister and permit the inspection of those records by the board, the superintendent or superintendent's representative, the principal, the supervisor and the Minister or Minister's representative or, upon their request, provide the records to them;
- t. assist in the development and implementation of the school improvement plan;
- u. maintain their professional competence;
- v. serve, to the extent reasonable, on committees established within the school to improve student achievement and success;
- w. implement programs and courses as prescribed by the public school program; and
- x. perform such other duties as are prescribed by this Act or the regulations.

3. Section 34(5) of the *Teachers' Collective Bargaining Act* states, "In the event of a strike, the principal and vice-principal of a school shall, before withdrawing their services,

- a) provide for the safe dismissal of pupils;
- b) provide for the security and maintenance of the building; and

report to the person in charge of the school system that the necessary provisions concerning the safety of the pupils and the security and maintenance of the building been completed.”

Issued as of the 1st day of December, 2016 by:

MINISTER OF EDUCATION AND EARLY CHILDHOOD DEVELOPMENT