



HOUSE USE ONLY

CHAIR:

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3rd SESSION, 67th GENERAL ASSEMBLY
Province of Prince Edward Island
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(Bill No. 3)

An Act to Amend the Private Schools Act

Hon. Robin Croucher
Minister of Education and Early Years

GOVERNMENT BILL

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AN ACT TO AMEND THE PRIVATE SCHOOLS ACT

BILL NO. 3

2026

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Subsection 4(2) of the *Private Schools Act* R.S.P.E.I. 1988, Cap. P-20.01, is amended by the deletion of the words “the information and documents, and the fee, specified in the regulations” and the substitution of the words “the information and documents required by this Act and the regulations, and the prescribed fee”.

2. The Act is amended by the addition of the following after section 4:

4.1 Sexual misconduct

- (1) In this section, “**sexual misconduct**” means any conduct of a sexual nature that is committed, or threatened or attempted to be committed, without consent or by force, intimidation, coercion, or manipulation, by an instructor or other employee of a private school, including
- (a) sexual assault;
 - (b) sexual exploitation;
 - (c) sexual harassment;
 - (d) stalking;
 - (e) indecent exposure;
 - (f) voyeurism;
 - (g) the distribution of an intimate image in contravention of the *Intimate Images Protection Act* R.S.P.E.I. 1988, Cap. I-9.1; or
 - (h) other conduct specified in the regulations.

Sexual misconduct policy

- (2) An applicant for the registration of a private school shall submit a policy on preventing and responding to sexual misconduct with the application.

Duties of operator

- (3) The operator of a private school shall
- (a) maintain and update, as necessary, the policy referred to in subsection (2);

- (b) inform the Administrator of any incident or complaint of sexual misconduct and how it is being addressed by the operator; and
- (c) inform the Registrar appointed under the *Education Act* of any incident or complaint of sexual misconduct about an instructor or other person who holds a teacher's license or temporary permit under the *Education Act*.

Investigation

- (4) On receipt of information under clause (3)(b), the Administrator or any person authorized by the Administrator may, regardless of any investigation or action taken by the operator of the private school, investigate the incident or complaint of sexual misconduct, and has the power to
 - (a) inspect records or other documents relating to the incident or complaint; and
 - (b) interview any person who may have information relating to the incident or complaint.

Transitional

- (5) Notwithstanding subsections (2) and (3), where a private school is registered before this section comes into force, the operator of the private school shall, within one year of the date this section comes into force, establish a policy on preventing and responding to sexual misconduct, and subsection (3) does not apply until the policy is established.

3. (1) Subsection 5(1) of the Act is amended

- (a) in clause (a), by the addition of the word “and” after the semicolon;
- (b) in clause (b), by the deletion of the words “; and” and the substitution of a period; and
- (c) by the repeal of clause (c).

(2) Subsection 5(2) of the Act is repealed and the following substituted:

Criminal record and vulnerable sector check

- (2) The operator of a private school shall ensure that every employee undergoes
 - (a) a vulnerable sector check, if authorized under the *Criminal Records Act* (Canada), or otherwise a criminal record check for the purpose of employment at the private school, not more than three months before commencing employment at the private school; and
 - (b) a criminal record check for the purpose of employment at the private school at least once every three years thereafter while employed at the private school.

No unsupervised access

- (3) The operator of a private school shall ensure that no employee is permitted to have unsupervised access to students unless
 - (a) the requirements of subsection (2) have been met; and
 - (b) the operator has no reasonable grounds to believe that the employee may endanger the health, safety or well-being of the students.

Duty to report criminal charge

- (4) An employee shall promptly notify the operator of a private school if the employee is charged with a criminal offence.

Transitional, instructors

- (5) Notwithstanding subsections (2) and (3), where, on the date this provision comes into force, an instructor has been employed at a private school for less than eight weeks, subsections 5(1) and (2) of the Act as they read immediately before this provision comes into force apply to that instructor.

Transitional, other employees

- (6) Notwithstanding subsections (2) and (3), the operator of a private school shall ensure that any employee, other than an instructor, who commences employment at the private school before this provision comes into force undergoes a vulnerable sector check, if authorized under the *Criminal Records Act* (Canada), or otherwise a criminal record check for the purpose of employment at the private school within three months of the date this provision comes into force.

4. The Act is amended by the addition of the following after section 7:

7.1 Disclosure of student records

On the request of a student or former student, the operator of a private school shall promptly provide to the operator or administrator of an elementary, secondary or post-secondary educational institution, a copy of the records kept by the operator of the private school respecting the student or former student that are necessary to facilitate the student's or former student's enrollment or placement at that educational institution.

5. Subsection 17(1) of the Act is amended by the addition of the following after clause (b):

- (b.1) specifying other conduct that constitutes sexual misconduct for the purpose of section 4.1;

EXPLANATORY NOTES

SECTION 1 amends subsection 4(2) of the *Private Schools Act* to require an application for the registration of a private school to include any information and documents required by this Act, as well as the regulations.

SECTION 2 adds a new section 4.1 to the Act requiring an applicant for the registration of a private school to submit a sexual misconduct policy with the application. It imposes duties related to sexual misconduct on the operator of a private school and empowers the Administrator to investigate incidents or complaints reported by an operator. It also contains a transitional provision, which requires the operator of a private school registered before the new section comes into force to establish a sexual misconduct policy within one year.

SECTION 3 amends section 5 of the Act to clarify requirements respecting vulnerable sector checks and criminal record checks and to extend the requirements to all employees of a private school. It also adds an employee duty to report criminal charges to the operator and sets out transitional provisions.

SECTION 4 adds a new section 7.1 to the Act requiring the operator of a private school to disclose student records to facilitate the enrollment or placement of a student or former student in another educational institution.

SECTION 5 adds a new regulation-making power by adding clause 17(1)(b.1) to the Act.

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<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Dr. Wassim Salamoun, Lieutenant Governor

Honourable Brad Trivers, Speaker

Joseph Jeffrey, Clerk

Hon. Robin Croucher
Minister of Education and Early Years

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