

Draft 2

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CONSULTATION DRAFT

AN ACT TO AMEND THE EDUCATION ACT

BILL NO.

2020

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

1. Section 19 of the *Education Act* R.S.P.E.I. 1988, Cap. E-0.2, is repealed and the following substituted:

19. Annual reports

(1) Subject to subsection (2), each education authority shall submit an annual report to the Minister in accordance with the Minister's directives.

Information to be reported

- (2) Each education authority shall include in its annual report
- (a) the number of complaints of sexual misconduct reported under its sexual misconduct policy, and information about such incidents and complaints;
 - (b) information about the supports, services, and accommodations available to students as they relate to incidents of sexual misconduct;
 - (c) any initiatives and programs established by the education authority to promote awareness of the supports and services available to students;
 - (d) an overview of any changes to a sexual misconduct policy; and
 - (e) where public input is sought under subsection 21.1(3), information about the process used by the educational authority to seek public input and a summary of the public input received.

Identifying information prohibited

- (3) The content required to be included in an annual report under subsection (2) shall not contain individually identifying information of any person in relation to a complaint of sexual misconduct.

2. The Act is amended by the addition of the following after section 21:

21.1 Policy on sexual misconduct

- (1) Without limiting the generality of section 21, an education authority shall within one year of the coming into force of this section, establish a policy on the prevention of and response to sexual misconduct.

Where new education authority established

- (2) Where a new education authority is established, that education authority shall establish a policy on the prevention of and response to sexual misconduct within one year after the date the education authority is established.

Public input

- (3) Before a new policy is established under subsection (1) or (2) or a policy is reviewed under subsection (4), an education authority shall seek public input with respect to the new policy or review in the manner that the education authority considers appropriate.

Review of Policy

- (4) An education authority shall review its sexual misconduct policy
 - (a) at least once every three years; and
 - (b) when directed to do so by the Minister,and shall amend the policy if the education authority determines amendments are required.

3. Subsection 107(1) of the Act is amended by the addition of the following after clause (h):

- (h.1) prescribing the required contents and procedures of a policy under section 21.1;

EXPLANATORY NOTES

SECTION 1 repeals section 19 of the Act and substitutes a new section 19 that sets out information that is to be included in the annual report submitted to Minister by each education authority, including information on complaints of sexual misconduct under a sexual misconduct policy, the supports, services and accommodation available to students, initiatives and programs to promote students' awareness of those supports and services, an overview of any changes to a sexual misconduct policy, and information about the process used by the educational authority to seek public input and a summary of the public input received under proposed subsection 21.1(3). The section also provides that an annual report shall not contain identifying information of any person in relation to a complaint of sexual misconduct.

SECTION 2 amends the Act by adding a new section 21.1 to require an education authority to establish a policy on the prevention of and response to sexual misconduct within one year, to seek public input when establishing or reviewing such a policy, and to review the policy at least once every three years and whenever the Minister directs.

SECTION 3 amends subsection 107(1) of the Act to enable the Lieutenant Governor in Council to make regulations prescribing the required contents and procedures of a sexual misconduct policy.