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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

FRENCH FIRST LANGUAGE INSTRUCTION REGULATIONS

Pursuant to section 114 of the *School Act*, R.S.P.E.I. 1988, Cap. S-2.1, Council made the following regulations:

1. In these regulations

Definitions

- (a) “French first language instruction” means a school program in which the language of instruction is French, but does not include the French immersion program; French first language instruction
- (b) “French school” means a building or a part of a building which French school
- (i) is designated as a school by the Minister pursuant to section 9, and
- (ii) is used, during school hours, to provide French first language instruction to classes over several grade levels;
- (c) “French school board” means a school board created to administer schools and classes in the French school system; French school board
- (d) “French school system” means the administrative system in which French is used as the language of instruction and in which English is taught as a second language; French school system
- (e) “section 23 children” means the children of parents who have the right under section 2 to have their children educated in French; section 23 children
- (f) “where numbers warrant” means at least fifteen section 23 children over two consecutive grade levels, who can reasonably be assembled for the purposes of providing French first language instruction. (EC480/98) where numbers warrant

2. Subject to section 3, parents who are resident in Prince Edward Island have the right to have their children receive French first language instruction where numbers warrant, if one of the following criteria is met:

Eligibility for French first language instruction

- (a) the first language learned and still understood of the parent is French;
- (b) the parent received primary school instruction in Canada in French as a first language; or

(c) a child of the parent has received or is receiving French first language instruction in Canada at the primary or secondary level. (EC480/98)

Declaration

3. (1) A parent who is eligible under section 2 must file a declaration in such form as the Minister may approve with the French school board in order to register a child or children for French first language instruction.

Further information

(2) The French school board may require a parent to provide further information respecting eligibility and the school board may, subject to subsection (3), determine eligibility.

Minister, final determination

(3) Upon application, the Minister may review the declarations filed with the French school board, and the Minister may make a final determination of the eligibility of a parent.

Requirements for registration

(4) Subject to subsection (5), no child shall be registered with the French school board as a section 23 child unless the declaration required in this section has been filed with the French school board and the parent has been found eligible under this section.

Exception

(5) Notwithstanding subsection (1), parents who had a child attending a French school in the province in the 1989-90 school year are not required to file a declaration in accordance with subsection (1). (EC480/98)

French school board

4.(1) The French school board shall have jurisdiction over and administer French first language instruction in the province in accordance with the Act and regulations.

Board working language

(2) The working language and the language of administration of the French school board shall be French.

Head office

(3) The French school board shall have its head office in Abrams Village in Prince County.

Responsibility

(4) The French school board shall be responsible for the promotion of, and distribution of information with respect to, French first language instruction in the province. (EC480/98)

Registration

5. The French school board shall, where numbers warrant, provide French first language instruction in a particular area by offering classes or by offering transportation to an area that has a class. (EC480/98)

Transportation

6. (1) Where the French school board is making preliminary plans to start a new class in any area or to offer transportation to a class, it shall take into consideration the proximity of existing classes or facilities, projected numbers of section 23 children, and other relevant factors, and the

French school board may conduct a pre-registration of section 23 children in order to determine the demand for French first language instruction in that area.

(2) Before making a conditional offer of French first language instruction the French school board shall obtain the Minister's approval with respect to

Minister's approval

- (a) the projected number of section 23 children to be served by the class; and
- (b) their reasonable assembly for a class.

(3) For the purpose of determining whether a sufficient number of children can reasonably be assembled, the Minister may examine if section 23 children are sufficiently concentrated both geographically and by grade level, taking into account the following factors:

Factors relevant to assembling a class

- (a) the proximity of existing classes and facilities to the area;
- (b) the number of section 23 children in the area;
- (c) the potential for future admissions;
- (d) the distances over which the children must be transported;
- (e) the ages of the children.

(4) A conditional offer of registration for French first language instruction may consist of

Conditional offer of registration

- (a) a new class to be started in an area; or
- (b) transportation of section 23 children to another area.

(5) Where a conditional offer is made pursuant to subsection (4), parents shall return registration forms to the French school board not later than March 1 in the school year in which the conditional offer is made. (EC480/98)

Conditional registration deadline

7. Where French first language instruction is provided pursuant to section 6, it shall be continued for a minimum of three years by the French school board. (EC480/98)

Three year commitment

8. If a sufficient number of children are registered for French first language instruction in accordance with section 6, the French school board shall, not later than May 1 in the school year in which the offer is made, send a list to the English school board affected of the children's names and other pertinent information. (EC480/98)

List

9. (1) The Minister may designate a school as a French school.

Designation of French school

(2) For the purposes of subsection (1), the Minister shall take into consideration the following factors:

Considerations

- (a) the number of students;
- (b) the number of grade levels; and

(c) the reasonable assembly of the students in one location.
(EC480/98)

Admission, other
than section 23
children

10. (1) The French school board may admit children other than section 23 children to classes in which French first language instruction is provided, having regard for the integrity of the system and the intent to provide a French first language program.

Release by English
school board

(2) No child may be admitted pursuant to subsection (1) unless that child has been released by the English school board that has jurisdiction in the area in which the child is resident. (EC480/98)

Eligibility not lost

11. (1) No person who is eligible under section 2 loses eligibility merely because one or more of that person's children has been registered for or received instruction in a system where English is used as the language of instruction.

Registration in
English school
system

(2) The parent of a section 23 child may register the child in a system where English is used as the language of instruction. (EC480/98)