

**Education Act**

**R.R.O. 1990, REGULATION 285**

**CONTINUING EDUCATION**

**Consolidation Period:** From August 27, 2007 to the e-Laws currency date.

Last amendment: O. Reg. 503/07.

*This is the English version of a bilingual regulation.*

**PART I**

**1. (1)** The following classes or courses provided by a board other than as part of the day school program on an instructional day as defined in Regulation 304 of the Revised Regulations of Ontario, 1990 (School Year Calendar, Professional Activity Days) are continuing education courses or classes for the purpose of paragraph 31 of subsection 171 (1) of the Act and the regulations:

1. A class or course that is designed to develop or to improve the basic literacy and numeracy skills of adults to a level that does not exceed the grade 8 level of competency.
2. A class or course in English or French for adults whose first language learned and still understood is neither English nor French and that is not a class in which a pupil may earn a credit in English or French as a second language.
3. A class or course in citizenship and, where necessary, in language instruction in the English or the French language for persons admitted to Canada as permanent residents under the *Immigration and Refugee Protection Act* (Canada).
4. A class or course in driver education in which a pupil may not earn a credit.
5. A class or course in the primary or junior division or in the first two years of the intermediate division in which a language other than English or French is the subject of instruction.
6. A class or course in which a pupil may earn a credit.
7. A class for the purpose of extending the knowledge of adults, for the purpose of improving the skills of adults, for the specific interest of adults or for the enhancement of the knowledge or skills of elementary or secondary school pupils beyond that expected or required of the pupils as part of the regular program in an elementary or secondary school,
  - i. for which the board charges registration fees to persons taking the class and the fees are not calculated in accordance with the regulations, or
  - ii. in which the work required for its successful completion is not acceptable to the Minister as partial fulfilment of the requirements for a diploma granted by the Minister. R.R.O. 1990, Reg. 285, s. 1 (1); O. Reg. 71/03, s. 1; O. Reg. 503/07,

s. 1.

(1.1) A continuing education course or class referred to in subsection (1) may be provided by a board at any time of the day or evening. O. Reg. 97/96, s. 1.

(2) The following classes or courses provided by a board between the hours of 8:00 a.m. and 5:00 p.m. that start after the completion of one school year and that end before the next following school year are continuing education classes or courses for the purposes of paragraph 31 of subsection 171 (1) of the Act and the regulations:

1. A class or course for remedial purposes for pupils who are enrolled in an elementary school operated by the board and that is,
  - i. a class or course that the board is required or authorized to provide during the school day to pupils enrolled in elementary schools and, in the school year immediately preceding commencement of the class or course, was a class or course that was provided to its elementary school pupils, and
  - ii. approved by the Minister.
2. A class or course that is operated by the board for pupils who are identified as having a developmental disability.
3. A class or course in which a pupil may earn a credit. R.R.O. 1990, Reg. 285, s. 1 (2); O. Reg. 192/04, s. 1.

2. (1) Subject to subsection (2) and Part II, a board that establishes continuing education courses or classes shall determine the courses to be given in each of its continuing education classes, the number of times that each continuing education course or class is held per week, the length of time per session of each continuing education course or class and the dates and the time of the day or evening upon which each continuing education course or class is given. R.R.O. 1990, Reg. 285, s. 2 (1).

(2) An elementary school board may offer continuing education courses and classes only in courses of study that the board is authorized or required to provide in its day school program in the primary and junior divisions and the intermediate division. R.R.O. 1990, Reg. 285, s. 2 (2).

(3) An elementary school board may, subject to Part II, offer as a subject a language other than English or French in the primary and junior divisions and in the first two years of the intermediate division in its continuing education courses and classes. R.R.O. 1990, Reg. 285, s. 2 (3).

(4) The principal of a school shall be the principal of the continuing education courses and classes in the school unless the board appoints as principal thereof another person who holds the appropriate principal's qualifications set out in section 9 of Regulation 298 of the Revised Regulations of Ontario, 1990 (Operation of Schools — General). R.R.O. 1990, Reg. 285, s. 2 (4).

(5) A school site that was used for school purposes and a school site that is used as a school during the school year may be used for a continuing education course or class. R.R.O. 1990, Reg. 285, s. 2 (5).

(6) Two or more boards may jointly establish continuing education courses and classes in a school or schools operated by one or more of the boards concerned and determine where such

courses and classes shall be conducted. R.R.O. 1990, Reg. 285, s. 2 (6).

**3. (1)** A valid certificate of qualification or a letter of standing is required to be held by a person,

(a) who provides the classroom teaching in a continuing education course or class referred to in paragraph 6 of subsection 1 (1) or in subsection 1 (2); or

(b) who is employed in respect of the development or co-ordination of the program of which a continuing education course or class referred to in clause (a) is a part. R.R.O. 1990, Reg. 285, s. 3 (1).

(2) A board may employ a person who is not a teacher to provide instruction in a continuing education course or class, other than a continuing education course or class referred to in paragraph 6 of subsection 1 (1) or in subsection 1 (2), if the person holds qualifications acceptable to the board for such employment. R.R.O. 1990, Reg. 285, s. 3 (2).

## PART II

**4.** In this Part,

"board", other than in section 6, means a board of education, public school board, Roman Catholic separate school board or Protestant separate school board, The Metropolitan Toronto French-Language School Council and the public sector and the Roman Catholic sector of The Ottawa-Carleton French-language School Board; ("conseil")

"commencement date" means the last school day of the month of January or September, as the case requires; ("date de commencement")

"parent" includes guardian; ("père ou mère")

"program" means a program of instruction in a continuing education course or class referred to in paragraph 5 of subsection 1 (1); ("programme")

"qualified person", in respect of a board, means a person who is enrolled or is eligible to be enrolled in an elementary school, a kindergarten or a junior kindergarten operated by the board, and who is not enrolled or is not eligible to be enrolled in a secondary school operated by the board, but if the board does not operate a secondary school, does not include a person who is enrolled or is eligible to be enrolled in the last two years of the intermediate division. ("personne admissible") R.R.O. 1990, Reg. 285, s. 4.

**5. (1)** If a board is not providing a program and receives from parents written requests on behalf of 23 or more qualified persons of the board for the establishment of a program, the board shall establish the program requested. R.R.O. 1990, Reg. 285, s. 5 (1); O. Reg. 503/07, s. 2 (1).

(2) If a board is providing one or more programs and the board receives from parents written requests on behalf of 23 or more qualified persons of the board for the establishment of a program that the board is not providing, the board shall establish the program requested. R.R.O. 1990, Reg. 285, s. 5 (2); O. Reg. 503/07, s. 2 (2).

(3) Despite subsections (1) and (2), a board may enter into an agreement with another board for the other board to provide the program requested. R.R.O. 1990, Reg. 285, s. 5 (3).

(4) A program established under this section shall start not later than the commencement date that first occurs ninety days or more after the date of the request. R.R.O. 1990, Reg. 285, s. 5 (4).

(5) A board that establishes a program under this section shall provide a class or course in the program for all qualified persons of the board who wish to attend if at least ten qualified persons of the board attend the first scheduled class or course of the program. R.R.O. 1990, Reg. 285, s. 5 (5).

(6) A program provided by a board shall be provided throughout the school year in which the program was established so long as a person attends the class or course in the program. R.R.O. 1990, Reg. 285, s. 5 (6).

(7) If a board, other than a Roman Catholic separate school board or the Roman Catholic sector of The Ottawa-Carleton French-language School Board, establishes a program under this section, it shall admit to a class or course in the program a qualified person in respect of another board that is not a Roman Catholic separate school board or the Roman Catholic sector of The Ottawa-Carleton French-language School Board. R.R.O. 1990, Reg. 285, s. 5 (7).

(8) If a Roman Catholic separate school board establishes a program under this section, it shall admit to a class or course in the program a qualified person in respect of another Roman Catholic separate school board or the Roman Catholic sector of The Ottawa-Carleton French-language School Board. R.R.O. 1990, Reg. 285, s. 5 (8).

(9) If the Roman Catholic sector of The Ottawa-Carleton French-language School Board establishes a program under this section, it shall admit to a class or course in the program a qualified person in respect of a Roman Catholic separate school board. R.R.O. 1990, Reg. 285, s. 5 (9).

(10) A board may admit to a class or course in a program a person who is enrolled or eligible to be enrolled in an elementary school, a kindergarten or a junior kindergarten operated by a board and the person is not enrolled or eligible to be enrolled in a secondary school operated by a board, despite the fact that the board is not required to admit the person under this section. R.R.O. 1990, Reg. 285, s. 5 (10).

6. (1) In this section,

"board" means the Conseil des écoles publiques d'Ottawa-Carleton, the Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton, the Conseil des écoles séparées catholiques de langue française de Prescott-Russell and The Metropolitan Toronto French-Language School Council; ("conseil")

"French-speaking person" means a child of a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario. ("francophone") R.R.O. 1990, Reg. 285, s. 6 (1); O. Reg. 96/95, s. 1.

(2) Despite section 5, a board shall not admit to a program that it operates or provides for another board a person who is not a French-speaking person. R.R.O. 1990, Reg. 285, s. 6 (2).

(3) Subsection (2) does not apply to a person who is enrolled in an elementary school, a kindergarten or a junior kindergarten operated by the board or another board. R.R.O. 1990, Reg. 285, s. 6 (3).

7. (1) Subject to subsections (2) and (3), a qualified person of a board may attend one or more programs provided in one or more languages by one or more boards. R.R.O. 1990, Reg.

285, s. 7 (1).

(2) The maximum period in each week during the school year that a qualified person of a board may attend a program in any one language is two and one-half hours. R.R.O. 1990, Reg. 285, s. 7 (2).

(3) The maximum period during a day that falls after the completion of one school year and before the commencement of the next following school year that a qualified person of a board may attend a program in any one language is two and one-half hours. R.R.O. 1990, Reg. 285, s. 7 (3).

**8.** A board that provides a program before the end of the instructional program of a school day may do so only in a school site that is used for school purposes by the board during the school day. R.R.O. 1990, Reg. 285, s. 8.

**9. (1)** A board that provides a program following the end of the instructional program of a school day or on a day that is not a school day may provide a class or course in the program in a place that is not a school site. R.R.O. 1990, Reg. 285, s. 9 (1).

(2) If a board conducts a class or course in a program in a place that is not used as a school site during the school day, the time that the class begins shall be not earlier than the time at which the instructional program of the board ends. R.R.O. 1990, Reg. 285, s. 9 (2).

(3) A board that conducts a class or course in a program in a place that is not used as a school site during the school day shall allow an interval of time between the end of the instructional program and the beginning of the class sufficient to permit pupils enrolled in the instructional program to travel to the place in which the class is being conducted. R.R.O. 1990, Reg. 285, s. 9 (3).

**10. (1)** A board may discontinue a program at the end of the school year if the number of qualified persons of the board enrolled in courses or classes provided under the program is fewer than 23 at the conclusion of the school year in which the program is provided. R.R.O. 1990, Reg. 285, s. 10 (1); O. Reg. 503/07, s. 3.

(2) A board that proposes to discontinue a program shall advise any person who participated in the program to the end of the school year that the program will be discontinued and that the program may be reestablished in accordance with this Part. R.R.O. 1990, Reg. 285, s. 10 (2).

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