

SCHEDULE “D”

SPECIFIC INTERPRETATIVE RULES AND PROVISIONS FOR MINISTERS AND ONTARIO SCHOOL BOARDS

ALBERTA

Article 1.1(f): Recitals

With respect to the Alberta Minister, this Licence recites the following circumstances:

The Alberta Minister has the authority under Section 10 of the *Government Organization Act* (Alberta) to enter into this Licence.

Article 2.1(i): Definition of “Educational Institution”

In respect of the Alberta Minister, the expression “Educational Institution” means the following institutions providing primary, elementary, or secondary school programming, public and separate school jurisdictions, charter schools, funded private schools and private early childhood services operators as listed below (which list may be amended with effect as of the commencement of any of the periods described in Articles 7.1(b) to (e) hereof by the delivery to CANCOPY by the Alberta Minister, not later than thirty (30) days prior to the commencement of any such period, of an amended list of Educational Institutions for the Province of Alberta.):

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Funded Private Schools

1. Airdrie Koinonia Christian School
2. Alberta College
3. Alberta Conference 7th Day Adventist Schools
4. Association for Christian Schooling
5. Banbury Crossroads Private School
6. Bellis Christian Academy
7. Bosco Homes Society for Children
8. Calgary Society for Christian Education
9. Calgary Society Effective Education (Academy)
10. Calgary French School
11. Calgary Jewish Academy (ECS program only)
12. Calgary Waldorf Program School
13. Canadian Montessori Assn (Calgary)
14. Canadian Reformed School, Neerlandia
15. Canadian Reformed School Society, Edmonton
16. Canadian Union College
17. Canmore Society for Community Education
18. Central Alberta Christian High School
19. Christian Education Assn Alberta (Ft Sask)
20. Christian School Netherlands (Calvin Christian)
21. Coaldale Christian School
22. Concordia University College
23. Congregation House of Jacob (Akiva Academy)
24. Cornerstone Christian School
25. Delta West Academy
26. Devon Christian School Society
27. Edmonton Academy
28. Edmonton Islamic School
29. Edmonton Society for Christian Education
30. Elves Special Needs Society
31. Equilibrium International Education Institute
32. Fort McMurray Christian School
33. Forty Mile Christian Education (Cherry Coulee)
34. Froebel Kindergarten Society of Alberta
35. Glenmore Christian Academy (GCA Educational)
36. Grande Prairie Society for Christian Education
37. Heritage Christian School Society
38. High Level Christian Education Society
39. Hillcrest Christian School
40. Horizon School Special Education
41. Koinonia Christian Education Society
42. Koinonia Christian School, Red Deer
43. Lacombe Christian School
44. Leduc Society Christian Education (Covenant)
45. Lesser Slave Lake North Country School
46. Lethbridge Christian School Society
47. Life Values Society for Effective Education
48. Living Waters Christian Academy
49. Lucy Baker School Society
50. Lycee Louis Pasteur
51. Maranatha Christian Academy Fellowship
52. Meadowlark Christian School
53. Medicine Hat Christian School
54. Menno Simmons Education Society
55. Millwoods Christian School
56. Morinville Christ Fellowship School
57. Olds Koinonia Christian School
58. Parkland Community Living Education Society
59. Ponoka Christian School Society
60. Prairie Bible Institute
61. Red Deer Christian School
62. Renfrew Educational Services
63. Rimbey Christian Academy
64. Rocky Christian School
65. Rundle College
66. Society for Christian Education Southern Alberta
67. St. Luke's Collegiate Institute
68. St. Matthew Lutheran School
69. Strathcona Tweedsmuir School
70. Tempo School
71. The Company of the Cross Alberta
72. Truth Church Calgary (Apostolic Christian Trng)
73. Word of Life School Society

Charter

1. ABC Charter School (Action for Bright Children)
2. Aurora Charter School
3. Boyle Street Coop Education Centre (The Boyle Street Service Society)
4. Centre for Academic and Personal Excellence (CAPE)
5. Foundations for the Future Charter Academy

PRIVATE ECS OPERATORS

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| 1. Asian Kindergaretn | 1. Lomond Little Learners |
| Bonanza & District Kindergaretn Society | Mount Royal College Daycare Society |
| Camrose Children's Centre | Nampa & District Kindergarten Society |
| Cereal ECS Association | Norwood Community Service Centre |
| community Options Child Care Society | Pease River Kindergarten Society |
| 1. Connect Society Deaf Services | Piedon Lake Regional EC Adv Community |
| Crstomere & District ECS Society | Red Deer Child Care Society |
| First Mennonite Church | Rocky Mountain House French Immersion |
| Home Opportunity for Multi-Handicapped Education Society | Kindergaretn Society |
| Irricana ECS Society | Rosebvrier ECS |
| Kingman-Roundhill Child Development Council | Salvation Army Child Village |
| Kitscoty & District EC Education Kindergaretn Society | Southview Kiddie Day Care Association |
| | St. Albert Day Care Society |
| | Young Men's Christian Association |

Article 2.6: Governing Law

The interpretation and application of this Licence as between CANCOPY and the Alberta Minister shall be governed by and construed in accordance with the laws of the Province of Alberta and the laws of Canada applicable therein.

Article 7.9: Appropriations

Notwithstanding Articles 7.1 and 7.2, in the event that the legislature of the Province of Alberta does not appropriate sufficient funds to pay the amounts set out for any period described in Articles 7.1(a) to (e), this Licence shall, insofar as it applies to the Alberta Minister, be terminated as of the end of the period in respect of which the Alberta Minister has met its obligations set out in Articles 7.1 and 7.2.

Article 15.2: Arbitration

For the purposes of Article 15.2, any arbitration in respect of a dispute originating between CANCOPY and the Alberta Minister shall be conducted in accordance with the *Arbitration Act*, S.A. 1991, c.A-43.1.

BRITISH COLUMBIA

Article 2.1(i): Definition of “Educational Institution”

In respect of the British Columbia Minister, the expression “Educational Institution” means the following institutions, and all schools and Provincial Resource Programs operated by them, providing primary, elementary, or secondary school programming:

- A. All Boards of School Trustees established under the *School Act* R.S.B.C. 1996, c.412; and
- B. All Authorities holding either a Group 1 or Group 2 certificate of classification under the *Independent School Act*, R.S.B.C. 1996, c.216.

Article 2.6: Governing law

The interpretation and application of this Licence as between CANCOPY and the British Columbia Minister or a School Board operated under the authority of the British Columbia Minister shall be governed by and construed in accordance with the laws of the Province of British Columbia and the laws of Canada applicable therein.

Article 7.7: Taxes

The British Columbia Minister certifies that the goods and/or services acquired by the British Columbia Minister under this License are for the use of, and are being purchased by, the British Columbia Minister with crown funds and are therefore not subject to the goods and services tax.

Article 7.9: Appropriations

Despite any other provision of this Licence, the payment of money by the British Columbia Minister to CANCOPY under this Licence is subject to:

- (a) there being sufficient monies available in an appropriation, as defined in the *Financial Administration Act*, R.S.B.C. 1996, c.138, to enable the British Columbia Minister, in any fiscal year or part thereof when any payment of

money by the British Columbia Minister to CANCOPY falls due under this Licence, to make that payment; and

- (b) Treasury Board, as defined in the *Financial Administration Act*, R.S.B.C. 1996, c.138 as amended, not having controlled or limited expenditure under any appropriation referred to in sub-paragraph (a) of this Article.

In the event that (a) or (b) above results in the inability of the British Columbia Minister to meet its obligations for payment to CANCOPY pursuant to Article 7.1(b) to (e), this Licensee shall, insofar as it applies to the British Columbia Minister, be terminated as of the end of the period in respect of which the British Columbia Minister has met its obligations set out in Article 7.1(b) to (e).

Article 15.2: Arbitrations

For the purposes of Article 15.2, any arbitration in respect of a dispute originating between CANCOPY and the British Columbia Minister will be referred to and resolved by arbitration administered by the British Columbia International Commercial Arbitration Centre, pursuant to its rules of procedure, and the place of arbitration will be Victoria, British Columbia.

MANITOBA

Article 1.1(f): Recitals

With respect to the Manitoba Minister, this Licence recites the following circumstances:

The Manitoba Minister has authority to enter into this Licence with CANCOPY under *The Education Administration Act* (C.C.S.M. c. E10; R.S.M. 1987, c. E10), as amended or replaced from time to time.

Article 2.1(i): Definition of “Educational Institution”

In respect of the Manitoba Minister the expression “Educational Institution” means any institution providing primary, elementary, or secondary school programming and operated under the authority of a School Board (as listed in that part of Schedule “A” which relates to the Province of Manitoba) or under the authority of the Manitoba Minister, including :

1. all schools and educational institutions in the school divisions, school districts and special revenue districts under *The Public Schools Act* (C.C.S.M. c. P250; R.S.M. 1987, c.250), as amended or replaced from time to time;

2. all private schools receiving support or grants under *The Public Schools Act* as amended from time to time (listed in that part of Schedule “A” which relates to the Province of Manitoba); and
3. all institutional schools that receive support or grants from the Government of Manitoba, as amended or replaced from time to time (listed in that part of Schedule “A” which relates to the Province of Manitoba).

Article 2.6: Governing Law

The interpretation and application of this Licence as between CANCOPY and the Manitoba Minister shall be governed by and construed in accordance with the laws of the Province of Manitoba and the laws of Canada applicable therein.

Article 7.7: Taxes

The Manitoba Minister certifies that:

- (a) the services and materials provided under this Licence are being purchased on behalf of the Province of Manitoba and therefore are not subject to the provisions relating to the taxation of Goods and Services in the *Excise Tax Act* (Canada); and
- (b) provincial sales tax is not payable in respect of the provision of such materials and services.

Article 7.9: Appropriations

Notwithstanding any other provision of this Licence:

- (a) any payment by the Manitoba Minister to CANCOPY under this Licence is subject to and conditional upon the legislature of the Province of Manitoba duly appropriating the funds payable by the Manitoba Minister in the fiscal year in which they are required; and
- (b) in the event that the legislature of the Province of Manitoba does not appropriate the funds payable by the Manitoba Minister, this Licence shall, insofar as it applies to the Manitoba Minister, be terminated as of the end of the period in respect of which the Manitoba Minister has met his or her obligations set out in Articles 7.1(b) to (e).

Article 15.2: Arbitration

For the purposes of Article 15.2, any arbitration in respect of a dispute originating as between CANCOPY and the Manitoba Minister shall be conducted in accordance with *The Arbitrations Act*, (C.C.S.M. c.A120; R.S.M. 1997, c.4), as amended from time to time.

NEW BRUNSWICK

Article 2.6: Governing Law

The interpretation and application of this Licence as between CANCOPY and the New Brunswick Minister shall be governed by and construed in accordance with the laws of New Brunswick and the laws of Canada applicable therein.

Article 7.7: Taxes

It is agreed that any sums payable by the New Brunswick Minister in respect of taxes will appear as a separate item on invoices issues by CANCOPY to the New Brunswick Minister pursuant to this Licence. Upon the coming into force of this Licence, the applicable sales tax for the purposes of this paragraph shall be the harmonized sales tax imposed under the *Excise Tax Act* (Canada).

Article 15.2: Arbitration

For the purposes of Article 15.2, any arbitration in respect of a dispute which originates as between CANCOPY and the New Brunswick Minister shall be conducted in accordance with *The Arbitration Act* (New Brunswick).

NEWFOUNDLAND

Article 1.1(f): Recitals

With respect to the Newfoundland Minister, this Licence recites the following circumstances:

- (a) Pursuant to the *Executive Council Act* (Newfoundland), the Newfoundland Minister may enter into this Licence; and
- (b) Pursuant to the *Schools Act, 1997* (Newfoundland), a School Board and conseil scolaire are Educational Institutions that the Newfoundland Minister may require to comply with an agreement entered into by the Newfoundland Minister for educational purposes.

Article 2.6: Governing Law

The interpretation and application of this Licence as between CANCOPY and the Newfoundland Minister shall be governed by and construed in accordance with the laws of the Province of Newfoundland and the laws of Canada applicable therein.

Article 15.2: Arbitrations

For the purposes of Article 15.2, any arbitration in respect of a dispute which originates as between CANCOPY and the Newfoundland Minister shall be conducted in accordance with the *Arbitration Act* (Newfoundland).

NOVA SCOTIA

Article 2.6: Governing Law

The interpretation and application of this Licence as between CANCOPY and the Nova Scotia Minister shall be governed by and construed in accordance with the laws of the Province of Nova Scotia and the laws of Canada applicable therein.

Article 15.2: Arbitrations

For the purposes of Article 15.2, any arbitration in respect of a dispute which originates as between CANCOPY and the Nova Scotia Minister or a School Board operated under the authority of the Nova Scotia Minister shall be conducted in accordance with the *Arbitrations Act* (Nova Scotia).

NORTHWEST TERRITORIES

Article 1.1(f): Recitals

With respect to the N.W.T. Minister, this Licence recites the following circumstances:

- (c) Pursuant to *The Northwest Territories Act*, the N.W.T. Minister may enter into this Licence; and
- (d) Pursuant to *The Education Act*, a District Education Council, a District Education Authority and a conseil scolaire are educational institutions that may be granted rights to make copies of published works under an agreement entered into by the N.W.T. Minister, and are required by *The Education Act* to comply with certain provisions of such an agreement.

Article 2.6: Governing Law

The interpretation and application of this Licence as between CANCOPY and the N.W.T. Minister shall be governed by and construed in accordance with the laws of the Northwest Territories and the laws of Canada applicable therein.

Article 15.2: Arbitrations

For the purposes of Article 15.2, any arbitration in respect of a dispute originating as between CANCOPY and the N.W.T. Minister shall be conducted in accordance with *The Arbitration Act* (N.W.T.).

ONTARIO SCHOOL BOARDS and ONTARIO SCHOOL BOARD ASSOCIATIONS

Article 2.6: Governing Law

The interpretation and application of this Licence as between CANCOPY and any of the Ontario School Boards and the Ontario School Board Associations shall be governed by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.

Article 15.2: Arbitrations

For the purposes of Article 15.2, any arbitration in respect of a dispute originating as between CANCOPY and either an Ontario School Board or an Ontario School Board Association shall be conducted in accordance with the *Arbitration Act 1991*, R.S.O. 1991, c.17.

PRINCE EDWARD ISLAND

Article 1.1(f): Recitals

With respect to the Prince Edward Island Minister, this Licence recites the following circumstances:

- (a) Pursuant to the *Executive Council Act* (Prince Edward Island), the Prince Edward Island Minister may enter into this Licence; and
- (b) Pursuant to *The Prince Edward Island School Act*, 1988, a Board of Education and conseil scolaire are educational institutions that the Prince Edward Island Minister may require to comply with an agreement entered into by the Prince Edward Island Minister for educational purposes.

Article 2.6: Governing Law

The interpretation and application of this Licence as between CANCOPY and the Prince Edward Island Minister shall be governed and construed in accordance with the laws of the Province of Prince Edward Island and the laws of Canada applicable therein.

SASKATCHEWAN

Article 1.1(f): Recitals

With respect to the Saskatchewan Minister, this Licence recites the following circumstances:

- (a) Pursuant to Sections 3 and 8 of *The Education Act*, 1995 and Section 17 of *The Government Organization Act*, the Saskatchewan Minister may enter into this Licence; and
- (b) Pursuant to Section 9 of *The Education Act*, 1995, a Board of Education, the conseil scolaire fransaskois and an independent school are educational institutions that may be granted rights to reproduce under an agreement entered into by the Saskatchewan Minister and are required by Section 9 to comply with certain provisions of such an agreement.

Article 1.1(i): Definition of “Educational Institution”

In respect of the Saskatchewan Minister, the expression “Educational Institution” means any institution providing publicly funded pre-kindergarten, kindergarten, elementary or secondary school programming and operated under the authority of a School Board or the conseil scolaire fransaskois, together with the independent schools and other schools listed below (which list may be amended with effect as of the commencement of any of the periods described in Articles 7.1(b) to (e) hereof by the delivery to CANCOPY by the Saskatchewan Minister, not later than thirty (30) days prior to the commencement of any such period, of an amended list of Educational Institutions for the Province of Saskatchewan):

Independent Schools:

Athol Murray College of Notre Dame
College Mathieu
Luther College
Lutheran Collegiate Bible Inst.
Rivier Academy
Rosthern Junior College
St. Angela’s Academy
Regina Christian School

Cornerstone Christian School
Heritage Christian School
Caronport High School
Radius Community Centre for Education
Cornwall Alternative School
Schaller School
Saskatoon Christian School

OTHER SCHOOLS:

Glen McGuire School
Centennial Park Education Centre

Article 2.6: Governing Law

The interpretation and application of this Licence as between CANCOPY and the Saskatchewan Minister shall be governed by and construed in accordance with the laws of the Province of Saskatchewan and the laws of the Canada applicable therein.

Article 7.7: Taxes

The Saskatchewan Minister represents and warrants that the goods and/or services referred to in this Licence are being purchased on behalf of the Province of Saskatchewan, and further warrants that no goods and services tax or provincial sales tax is payable in respect of such goods and/or services.

Article 7.9: Appropriations

All payments by the Saskatchewan Minister are subject to proper appropriations by the Legislative Assembly of Saskatchewan and this Licence is subject to the enactment of an Order in Council under Section 17 of *The Government Organization Act*. In the event that the Legislative Assembly of Saskatchewan does not appropriate the funds payable by the Saskatchewan Minister, this Licence, insofar as it applies to the Saskatchewan Minister, shall be terminated as of the end of the period in respect of which the Saskatchewan Minister has met its obligations set out in Article 7.1(b) to (e).

Article 15.2: Arbitrations

For the purposes of Article 15.2, any arbitration in respect of a dispute which originates as between CANCOPY and the Saskatchewan Minister shall be conducted in accordance with *The Arbitration Act*, 1992.

YUKON TERRITORY

Article 2.6: Governing Law

The interpretation and application of this Licence as between CANCOPY and the Yukon Minister shall be governed by and construed in accordance with the laws of the Yukon Territory and the laws of Canada applicable therein.

Article 15.2: Arbitration

For the purposes of Article 15.2, any arbitration in respect of a dispute which originates as between CANCOPY and the Yukon Minister shall be conducted in accordance with *The Arbitration Act*, R.S.Y. 1986, c.7.