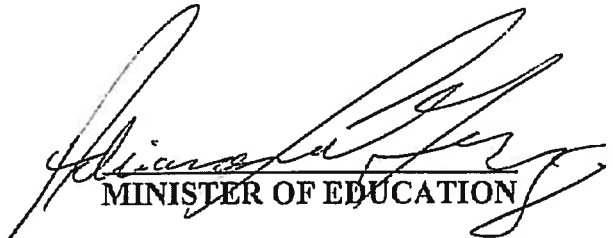


GOVERNMENT OF ALBERTA
DEPARTMENT OF EDUCATION
MINISTERIAL ORDER (# 021 / 2019)

I, Adriana LaGrange, Minister of Education, pursuant to Section 21(6) of the *Education Act*, make the Order set out in the attached Appendix, being the *Early Childhood Services Regulation*.

DATED at Edmonton, Alberta August 15, 2019.


MINISTER OF EDUCATION

APPENDIX

Education Act

EARLY CHILDHOOD SERVICES REGULATION

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Definitions

1 In this Regulation,

- (a) “fiscal year” means the 12-month period beginning on September 1 and ending on the following August 31;
- (b) “kindergarten” means an early childhood services program for the year of instruction immediately prior to grade one provided to a child or student;
- (c) “operator” means a board, the person responsible for the operation of an accredited private school or a private ECS operator;
- (d) “private ECS operator” means a society registered under the *Societies Act*, a non-profit company registered under Part 9 of the *Companies Act* or a non-profit corporation incorporated by or under an Act of the Legislature, other than a private school, that
 - (i) operates an early childhood services program, and
 - (ii) receives funding under the *Education Grants Regulation* (AR 120/2008) in respect of the operation of the program.

Kindergarten age of entry

2(1) Commencing in the 2020-2021 school year, for the purposes of entering kindergarten, a child must be at least 5 years old as of December 31 of the respective school year.

(2) For the purposes of subsection (1), a board shall not require that a child attain 5 years of age by a date earlier than December 31 of the respective school year.

Application

3(1) A person, other than a board, who wishes to operate an early childhood services program must apply to the Minister for approval on a form approved by the Minister.

(2) The term of an approval is one year.

(3) Each year an operator, other than a board, who chooses to continue to operate an early childhood services program shall apply to the Minister for approval on a form approved by the Minister.

(4) The Minister may impose any terms and conditions on the approval and may cancel an approval at any time and for any reason.

Safety standards

4 An early childhood services program must be operated in a facility that complies with all applicable municipal and provincial public health, safety, fire and building standards.

Programs, policies

5 The operator of an early childhood services program must

(a) develop and maintain policies with respect to

(i) applications for registration,

(ii) safety for field trips,

(iii) a health protocol,

(iv) the evaluation of children, and

(v) teacher growth, supervision and evaluation,

and

- (b) develop and maintain policies and programs that are consistent with the Minister's early childhood services policies and programs.

Teachers

6 The operator of an early childhood services program may only employ as a teacher an individual who holds a certificate of qualification as a teacher issued under the Act.

Records

7 The operator of an early childhood services program must keep records in accordance with the *Student Record Regulation*.

Information

8 The operator of an early childhood services program must submit to the Minister any information that the Minister may request.

Secretary, treasurer, auditor

- 9** The operator of an early childhood services program must
- (a) appoint a secretary and a treasurer, or one person to act as the secretary-treasurer, for the program, who is neither the chair, nor a trustee, nor the president of the organization, and
 - (b) unless exempted by the Minister, appoint a professional accounting firm authorized under the *Chartered Professional Accountants Act* to perform an audit engagement,

and must report their names and addresses to the Minister.

Financial reporting

10(1) The operator of an early childhood services program must submit to the Minister annually on or before November 30, in a form prescribed by the Minister, the original and one copy of the financial statements for the fiscal year ending on the August 31 preceding that date, including, unless exempted by the Minister, an auditor's report signed by the auditor.

(2) The operator of an early childhood services program, other than a private ECS operator, must submit to the Minister annually

on or before May 31, in a form prescribed by the Minister, the original and one copy of the budget for the fiscal year starting on the September 1 following that date.

(3) A private ECS operator must submit to the Minister annually on or before November 30, in a form prescribed by the Minister, the original and one copy of the budget for the fiscal year starting on the September 1 preceding that date.

Insurance

11(1) The operator of an early childhood services program must keep in force a general liability insurance policy or other form of indemnification in an amount that is not less than \$2 000 000 for each occurrence of loss or damage resulting from bodily injury to or the death of one or more persons, and for loss or damage to property, regardless of the number of claims arising from any one occurrence.

(2) The policy or other form of indemnification referred to in subsection (1) must provide coverage to the operator for all claims arising from a liability imposed by law on the operator, and from a liability assumed under any agreement entered into by the operator.

(3) The operator of an early childhood services program must ensure that in the general liability policy or other form of indemnification referred to in subsection (1) the word "insured" is defined to include

- (a) the named insured, and
- (b) any employee, board member, agent or other person, whether receiving compensation or not, when acting within the scope of that person's duties for the named insured.

Fidelity bond

12 The operator of an early childhood services program must maintain a fidelity bond in an amount acceptable to the Minister that covers the operator and its employees while carrying out duties relating to any money or security belonging to or held by the operator.

Repeal

13 The *Early Childhood Services Regulation* (AR 31/2002) is repealed.

Expiry

14 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on August 31, 2022.

Coming into force

15 This Regulation comes into force on September 1, 2019.