



Province of Alberta

SCHOOL ACT

CHARTER SCHOOLS REGULATION

Alberta Regulation 212/2002

With amendments up to and including Alberta Regulation 28/2018

Office Consolidation

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(Consolidated up to 28/2018)

ALBERTA REGULATION 212/2002

School Act

CHARTER SCHOOLS REGULATION

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Definitions

1 In this Regulation,

- (a) “Act” means the *School Act*;
- (b) “Alberta Programs of Study” means the courses of study or education programs prescribed, authorized or approved by the Minister under section 39(1)(a), (b) and (d) of the Act;
- (c) “alternative program” means an alternative program within the meaning of section 21 of the Act;

- (d) “applicant” means a person or society that applies for the establishment of a charter school under section 3;
- (e) “board” has the meaning given to it in the Act;
- (f) “certificate” has the meaning given to it in the *Certification of Teachers Regulation* (AR 3/99);
- (g) “charter” means a charter approved by the Minister under section 34 of the Act;
- (h) “charter board” means the society or company named in a charter as being responsible for the operation of a charter school.

Refusal to establish an alternative program

2(1) If a board refuses to establish an alternative program as requested by a person or society under section 31(2) of the Act, the board shall, within 60 school days of receiving the request, provide a copy of its decision, with reasons, to the person or society.

(2) On receipt of a decision under subsection (1), the person or society may apply to the Minister for the establishment of a charter school.

Application for establishment of charter school

3(1) An application for the establishment of a charter school must be made in accordance with this section.

(2) The applicant must submit a preliminary application to the Minister no later than 30 school days after receiving a decision under section 2(2) or June 1 of the year preceding the year in which the charter school is to open, whichever is earlier.

(3) The preliminary application must be in writing and contain the following information:

- (a) the name, address, telephone number and, if available, fax number and e-mail address of the applicant;
- (b) the proposed name of the charter school;
- (c) the information described in section 35(a) and (b) of the Act;
- (d) a statement explaining how the program to be offered by the charter school is significantly different from the programs offered by the board;

- (e) independent research supporting the proposed charter school program;
 - (f) the proposed opening date for the charter school;
 - (g) a parent declaration, in the form prescribed by the Minister, signed by parents indicating their intention to enroll their children in the charter school;
 - (h) the projected student enrollment, grade distribution and school building requirements on the proposed opening date of the charter school;
 - (i) all correspondence between the board and the applicant concerning the alternative program, including a copy of the board's decision to refuse to establish the alternative program.
- (4) On receiving a preliminary application, the Minister may
- (a) require additional information before making a decision on the application,
 - (b) approve the application subject to any terms and conditions the Minister considers appropriate, or
 - (c) reject the application, giving reasons.
- (5) The Minister shall make a decision in respect of a preliminary application within 60 days of receiving it.
- (6) The Minister shall inform the applicant and the board in writing of the Minister's decision under subsection (5) within 15 days of making it.
- (7) If the Minister approves the preliminary application under subsection (4)(b), the applicant must submit a final application to the Minister no later than November 1 of the year preceding the year in which the charter school is to open.
- (8) The final application must be in writing and contain the following information:
- (a) proof that the applicant is a society incorporated under the *Societies Act* or a company registered under Part 9 of the *Companies Act*,
 - (b) the proposed charter for the school;
 - (c) the measures to be used to determine the outcomes referred to in sections 32(b) and 35(a) and (b) of the Act;

- (d) indications of significant community support for the charter school;
 - (e) the selection criteria to be used if applications by students for enrollment exceed the maximum student capacity of the school;
 - (f) a policy development plan;
 - (g) a charter school budget report in the form prescribed by the Minister;
 - (h) any additional information relating to the operation of the charter school as required by the Minister.
- (9)** On receiving a final application, the Minister may
- (a) require additional information before making a decision on the application,
 - (b) approve the application subject to any terms and conditions the Minister considers appropriate, or
 - (c) reject the application, giving reasons.
- (10)** The Minister shall make a decision in respect of a final application within 60 days of receiving it.
- (11)** The Minister shall inform the applicant and the board in writing of the Minister's decision under subsection (10) within 15 days of making it.
- (12)** Notwithstanding subsection (2), an applicant may submit to the Minister an application containing the information described in both subsections (3) and (8), in which case the Minister shall treat the application as a final application.
- (13)** An application under subsection (12) must be submitted to the Minister no later than November 1 of the year preceding the year in which the charter school is to open.
- (13.1)** Notwithstanding subsections (2), (7) and (13), the Minister may extend the time by which an application referred to in those subsections must be submitted if, in the Minister's opinion, an extension is warranted.
- (14)** A decision by the Minister under this section is final.

Contents of charter

4 In addition to the requirements set out in section 35 of the Act, a charter must include the following:

- (a) any curriculum to be offered by the charter school that is in addition to the Alberta Programs of Study;
- (b) a description of the process by which successful charter school innovations are communicated to the education community;
- (c) the roles and responsibilities of the charter board and the parents;
- (d) the bylaws or articles of association of the charter board;
- (e) the projected student enrollment, grade distribution and school building requirements at the end of the initial term of the charter;
- (f) a description of the process by which the charter may be amended;
- (g) a description of the process by which the charter school may be dissolved, including
 - (i) the form of notice of dissolution to be given by the charter board to parents and other interested persons or groups,
 - (ii) the transfer of students to other schools, and
 - (iii) the disposition of real and personal property and financial, school and student records.

Initial term of charter

5(1) The initial term of a charter is 5 years beginning on the first day on which the charter school opens.

(2) A charter school shall operate for its term unless before that term expires the charter is repealed under section 15 or the operation of the charter school is terminated under section 16.

Commencement of charter school

6 Before a charter school begins to operate,

- (a) the school must have at least 100 students enrolled in it or the number of students that, in the opinion of the Minister,

is required to ensure that the program offered by the charter school is educationally and financially viable, and

- (b) the charter board shall
 - (i) appoint a superintendent in accordance with section 113 of the Act,
 - (ii) appoint a secretary-treasurer in accordance with section 116 of the Act,
 - (iii) ensure that parents of students enrolled or seeking enrollment in the charter school are made aware of transportation plans where applicable, and
 - (iv) provide the following information in writing to the Minister:
 - (A) the names and certificate numbers of the individuals who will be teachers at the charter school, including the principal;
 - (B) the location of the school building;
 - (C) if the school building is leased from the private sector, proof of compliance with municipal zoning bylaws and all applicable municipal and provincial public health, fire, safety and building standards requirements;
 - (D) an updated school budget report in the form prescribed by the Minister;
 - (E) details of any contractual arrangements to be made between the charter board and
 - (I) the Minister,
 - (II) a board, or
 - (III) any other person.

Renewal of charter

7(1) A charter board may apply to the Minister in writing for a renewal of the charter no later than December 1 of the final year of its term.

(1.1) Notwithstanding subsection (1), the Minister may extend the time by which a charter board may apply to the Minister for a renewal of the charter if, in the Minister's opinion, an extension is warranted.

- (2) The Minister shall not renew a charter unless the Minister is satisfied that the charter school
- (a) is meeting the terms of its charter and has performance measures that demonstrate clear evidence of success,
 - (b) is operating in a manner consistent with all applicable provisions of the Act, regulations and policies of the Minister,
 - (c) is fiscally viable and responsible, and
 - (d) has a school program considered successful by the school council, community, students, parents and staff.
- (3) The Minister shall conduct at least one evaluation of a charter school within its current term.
- (4) A charter may be renewed for a term of 5 years or for a shorter term agreed to by the Minister and the charter board.
- (5) The Minister shall make a decision in respect of an application for renewal within 60 days of receiving it.
- (6) The Minister shall inform the charter board in writing of the Minister's decision under subsection (5) within 15 days of making it.
- (7) A decision by the Minister under this section is final.

AR 212/2002 s7;33/2012

Long-term renewal of charter

7.1(1) Notwithstanding section 7(4), a charter may be renewed for a term of 15 years if the Minister is satisfied that

- (a) student achievement at the charter school is consistently strong or improving,
- (b) there are multiple indicators of the charter school's ongoing commitment to engaging students, teachers, parents and community members in a model of continuous improvement,
- (c) there is evidence that the charter board is working collaboratively with stakeholders and is demonstrating broad and sustained levels of community engagement, and
- (d) there is evidence that the charter school uses research-informed practices to create innovative learning environments and improve student learning outcomes.

(2) Notwithstanding section 7(3), if the Minister approves a renewal term of 15 years, the Minister shall conduct an evaluation of the charter school during the 12th year of the renewal term.

(3) Section 7, except subsection (4), applies to an application for a 15-year renewal term under this section.

AR 33/2012 s4

Amendment of charter

8 After a charter school has been established, the charter board may amend the charter

- (a) in accordance with the process set out in the charter, and
- (b) with the approval in writing of the Minister.

Number of charters

9(1) The number of charter schools may not exceed 15 at any one time.

(2) A charter board may operate in more than one location only if a single school building cannot accommodate the expected number of students identified in the charter.

Enrolment in other school

10 A parent of a student enrolled in a charter school shall not request that the student be enrolled in another school during the school year unless the other school consents.

Responsibility to students

11 A charter board is responsible for providing an education program for its students during the school year in which the students are enrolled.

Charter board responsibilities

12(1) The charter board shall ensure that neither the charter school administrators nor any of the charter board's employees are elected or appointed as members of its governing body.

(2) The meetings of the governing body of a charter board must be held in public and no person may be excluded from the meetings except for improper conduct.

(3) The chair of the governing body of a charter board may cause to be excluded from a meeting any person who, in the opinion of the chair, is guilty of improper conduct at that meeting.

- (4) Notwithstanding subsection (2), when a majority of the governing body members present at a meeting of a governing body are of the opinion that it is in the public interest to hold the meeting or part of the meeting in private for the purpose of considering any matter, the governing body may by resolution exclude any person from the meeting.
- (5) When a meeting is held in private, the governing body of a charter board has no power to pass a resolution at that meeting apart from the resolution necessary to revert to an open meeting.
- (6) No member of the governing body of a charter board shall receive remuneration for acting as a member of the governing body.
- (7) A charter board may reimburse the members of its governing body for any expenses they incur in the course of performing their duties as members of the governing body.

Transfer of charter school

- 13(1)** Subject to subsection (2), a charter board may transfer the operation of a charter school to a society incorporated under the *Societies Act* or a company registered under Part 9 of the *Companies Act*.
- (2) Before the operation of a charter school is transferred, the society or company to whom the operation is to be transferred shall obtain the approval in writing of the Minister.

Review by Minister

- 14(1)** A member of the governing body of a charter board who is alleged to be disqualified under section 82, except subsection (1)(a) and (2), or section 83 of the Act from remaining as a member of the governing body may ask the Minister in writing to review the matter to determine if the member is qualified to remain as a member of the governing body.
- (2) If an individual has been refused enrollment in a charter school, the individual or the individual's parent may ask the Minister in writing to review the matter to determine the individual's eligibility to be enrolled in the charter school.
- (3) On concluding a review of a matter under this section, the Minister may, subject to the Act and this Regulation, make any decision the Minister considers appropriate.
- (4) A decision by the Minister under this section is final.

Repeal of charter

15(1) The Minister may repeal a charter if, in the opinion of the Minister,

- (a) the terms and conditions of the charter are not being met, or
- (b) after one year of being granted a charter, the charter school fails to open for the subsequent school year.

(2) The Minister shall not repeal a charter unless

- (a) the charter board has been informed in writing of the Minister's intention and reasons for repealing the charter, and
- (b) after having been given a reasonable period to satisfy the Minister's concerns regarding the charter school, the charter board is not able to satisfy those concerns.

Termination of charter school

16(1) Notwithstanding that the term of a charter has not expired, a charter board may terminate the operation of the charter school at the end of a school year, with the approval of the Minister in writing, by voting to terminate the operation of the charter school.

(2) The charter board shall notify the Minister in writing by January 31 of its intent to terminate the charter at the end of the school year.

Dissolution of charter school

17 If a charter is repealed under section 15 or the operation of a charter school is terminated under section 16, the charter school must be dissolved and wound up in accordance with the process set out in the charter.

Repeal

18 The *Charter Schools Regulation* (AR 136/95) is repealed.

Expiry

19 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, this Regulation expires on August 31, 2021.

AR 212/2002 s19;33/2012;231/2012;133/2015;136/2016;
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