



Province of Alberta

SCHOOL ACT

SCHOOL FEES AND COSTS REGULATION

Alberta Regulation 101/2017

With amendments up to and including Alberta Regulation 39/2019

Current as of March 11, 2019

Office Consolidation

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(Consolidated up to 39/2019)

ALBERTA REGULATION 101/2017

School Act

SCHOOL FEES AND COSTS REGULATION

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Definitions

1 In this Regulation,

- (a) “board policies” means the policies referred to in section 5(1);
- (b) “proposed fee schedule” means the fee schedule referred to in section 6;
- (c) “reviewed board policies” means those policies as currently reviewed under section 7;
- (d) “reviewed fee schedule” means that fee schedule as currently reviewed under section 7.

Charter schools exemptions

2 In accordance with an order in council made under section 36 of the Act, charter schools are exempt from the operation of sections 3, 4, 7(2), 10 and 11.

Charges for resources related to instruction

3(1) A board may charge a student's parent any fees or costs for resources related to instruction, subject to the prohibitions and restrictions contained in the Act and this Regulation.

(2) A board shall not charge any fees or costs for textbooks, workbooks or photocopying, printing or paper supplies.

Restrictions on fees and costs generally

4 A board shall not charge any fee or cost

- (a) that is not set out in the board's reviewed fee schedule,
- (b) that exceeds the amount set out in the board's reviewed fee schedule,
- (c) that exceeds the amount that the board estimates to be the projected cost of providing for the subject matter of the charge, or
- (d) that is not clearly expressed in the reviewed fee schedule to connect to specific goods or a specific service or learning experience that is calculated to benefit students.

Board policies on fees and costs

5(1) A board shall establish, maintain and implement policies respecting the fees and costs it proposes to charge.

(2) The board policies must include

- (a) a requirement to consult with parents before the board sets, increases or decreases any fee or cost,
- (b) a requirement to demonstrate to parents the need to charge any fee or cost, including the amounts,
- (c) the circumstances under which any fee or cost may be waived or refunded,
- (d) the process a parent has to follow to request that a fee or cost be waived or refunded,
- (e) a process designed to ensure that the staff of each school and the parents of students enrolled in that school are notified of the circumstances under which a fee or cost may be waived or refunded and of the procedures for requesting that a fee or cost be waived or refunded, as the case may be, and

- (f) with respect to fees and costs,
 - (i) processes designed to enable the resolution of disputes and concerns between parents and the board, and
 - (ii) any other requirements directed in writing by the Minister.

Fee schedule

6 A board shall establish a schedule of fees and costs, in the form, if any, required by the Minister, listing each type of fee or cost, with its amount, that may be charged in the following school year, with the corresponding type and amount of fee or cost contained in the currently reviewed fee schedule.

Submissions to the Minister

7(1) A board shall provide to the Minister, together with the budget that is to be submitted under section 147(2)(b) of the Act, copies of its board policies and proposed fee schedule for the Minister's review.

- (2)** If the proposed fee schedule includes any fee or cost
- (a) not set out in the board's currently reviewed fee schedule, or
 - (b) that is proposed to be increased by an amount that exceeds 5% of the fee or cost set out in the board's currently reviewed fee schedule,

the new fee or cost or the increase in the fee or cost, as the case may be, shall not be charged unless approved in writing by the Minister.

- (3)** Subsection (2) does not apply with respect to any fee or cost
- (a) referred to in section 60(2)(h) of the Act, or
 - (b) related to non-curricular travel.

Collection and use statement

8 A board shall provide to the Minister, annually before November 30, a statement, in the form, if any, required by the Minister, that demonstrates that the fees and costs collected by it have been spent for the purposes for which they were collected.

Publication of reviewed policies and fee schedule

9 A board shall publish its reviewed board policies and reviewed fee schedule on its website or in such other written manner as the board considers will enable parents and the public to examine them fully.

New fees and costs and increases

10(1) In deciding under section 7(2) whether or not to approve a new fee or cost or an increase in a fee or cost, the Minister shall take into account

- (a) whether the board has demonstrated that it has complied with its applicable policies under section 5, and
- (b) whether the proposed new fee or cost or increase is reasonable and otherwise justified.

(2) Section 124(1.1) of the Act does not apply with respect to a new fee or cost or an increase in a fee schedule item that has been approved by the Minister under section 7(2).

Refund and sanctions for contraventions

11 If, in the opinion of the Minister, a board has contravened section 7(2), the Minister may direct the board to refund any overpayment in fees or costs that has been made and may, after considering all the relevant circumstances, impose upon the board whatever penalty or sanction the Minister considers appropriate and commensurate with the level of the contravention.

Transitional

12 In applying section 7(2) for the 2017–2018 school year, the reference to the board's currently reviewed fee schedule is to be taken as a reference to the applicable fee or cost or its nearest equivalent charged in the 2016–2017 school year.

Expiry

13 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.

AR 101/2017 s13;39/2019

Coming into force

14 This Regulation comes into force on the commencement of *An Act to Reduce School Fees*.



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