



Province of Alberta

SCHOOL ACT

# **SCHOOL TRANSPORTATION REGULATION**

**Alberta Regulation 102/2017**

With amendments up to and including Alberta Regulation 31/2018

Current as of September 1, 2018

Office Consolidation

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(Consolidated up to 31/2018)

**ALBERTA REGULATION 102/2017**

**School Act**

**SCHOOL TRANSPORTATION REGULATION**

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**Definitions**

**1** In this Regulation,

- (a) “attendance area” means an attendance area established under section 13(2) of the Act;
- (b) “board policies” means the policies referred to in section 8(1);

- (c) “proposed fee schedule” means the transportation fee schedule referred to in section 9;
- (d) “reviewed board policies” means those policies as currently reviewed under section 10;
- (e) “reviewed fee schedule” means that fee schedule as currently reviewed under section 10;
- (f) “school” includes the site of the applicable school;
- (g) “transportation fee” means a fee referred to in section 6(1).

#### **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 4, 5, 6(3), (4) and (5), 10(2), 13, 14 and 15(3).

#### **Transportation criteria**

**3** For the purpose of section 51(1)(c) of the Act, the student must reside at a distance of at least 2.4 kilometres from the site of the school.

AR 31/2018 s2

#### **Distance from bus route**

**3.1** In providing for the transportation of a student under section 51(1) of the Act, the transportation must be provided on a route that is not more than 2.4 kilometres from the residence of the student.

AR 31/2018 s2

#### **Computing distance**

**3.2** In computing distances for the purposes of this Regulation,

- (a) the official survey made under any Act of Canada or the Legislature relating to surveys shall be accepted as final and conclusive and all sections are deemed to be 1.6 kilometres square and no more,
- (b) the width of road allowances shall be excluded from the computation, and
- (c) the distance of a residence from a school or from a bus route is the shortest distance measured along a travelled road or public right of way between the school site or the bus route, as the case may be, and the nearest roadway

access at the boundary of the quarter section or lot on which the student's parent resides.

AR 31/2018 s2

#### **Special education program outside attendance area**

**4** If a student is entitled to access to a special education program under section 47 of the Act but does not reside in the attendance area for any school that provides a special education program that is suitable for the student, the board of which the student is a resident student shall provide for the transportation of the student to and from the school that provides the special education program in which the board places the student.

#### **Student residing outside areas**

**5(1)** In this section, "transportation service area" means the area surrounding a school in which a board establishes school bus routes on which students may be transported to and from the school.

**(2)** If a student is enrolled in a school pursuant to section 45(3) of the Act but does not reside in the attendance area or the transportation service area for that school, the student or the parent of the student shall provide for the transportation of the student

- (a) to and from the school, or
- (b) to and from a designated stop on a school bus route in the transportation service area for that school.

**(3)** If a student or the parent of a student chooses to provide transportation in accordance with subsection (2)(b), the board that enrolled the student in the school shall provide for the transportation of the student between the school and the designated stop nearest to the student's residence on a school bus route in the transportation service area for that school.

**(4)** Subsection (3) does not apply unless there is a seat available for the student on the school bus after the students referred to in section 51(1) of the Act are accommodated on that school bus.

#### **Transportation fees**

**6(1)** Subject to this section, a board may charge fees payable by the parent of a student for transportation provided to the student by the board.

- (2)** A board shall not charge any transportation fee
  - (a) that is not set out in the board's reviewed fee schedule, or

- (b) that exceeds the amount set out in the board's reviewed fee schedule.
- (3)** A board shall not charge any transportation fee
- (a) subject to subsection (5), in respect of transportation that a board is required to provide to a student
    - (i) by section 51(1) of the Act, or
    - (ii) by section 4 of this Regulation,
  - or
  - (b) in respect of a student who falls within a group of students with disabilities whose transportation is provided for on a specific route only for students with disabilities who are unable, because of the severity of their disabilities, to use regular transportation services, as determined by the board.
- (4)** A student who is directed by the board, on account of that board's determination that the student's enrolment in schools in the attendance area in which the student resides would exceed their attendance capacity, to attend a school that is 2.4 kilometres or more away from the student's residence and in another attendance area, is to be treated for the purposes of this section as if that student were one to whom subsection (3)(a)(i) applied.
- (5)** If a board decides to meet its obligations to provide for transportation under section 51(1) of the Act and section 4 of this Regulation through the use of a municipal transit pass, the board shall ensure that the net cost of that pass to the student's parent does not exceed the difference between the actual cost of the pass and the funding rate for the transportation of that student under the *Education Grants Regulation* (AR 120/2008).

AR 102/2017 s6;161/2017

**Transportation fee amount limitations**

- 7(1)** Subject to section 10(2), a transportation fee charged respecting the transportation of a student
- (a) who is eligible for funding under the *Education Grants Regulation* (AR 120/2008) must not exceed the average difference per student between
    - (i) the estimated costs to the board of transporting those students whose parent may be charged the transportation fee under section 6, and

- (ii) the funding received by the board under the *Education Grants Regulation* (AR 120/2008) in respect of the transportation of those students,

and

- (b) who is not eligible for funding under the *Education Grants Regulation* (AR 120/2008) must not exceed the estimated average cost per student to the board for transporting those students whose parent may be charged the transportation fee under section 6.

(2) Subsection (1) does not apply to a transportation fee agreed to by the board and the parent of a student for the enhanced pick-up or drop-off location of the student.

(3) Any surplus from transportation fees charged under subsection (1) must be used to subsidize the cost of transportation of students referred to in that subsection in the 2 school years following the school year in which the surplus was collected.

#### **Board policies on transportation fees**

**8(1)** A board shall establish, maintain and implement policies respecting the transportation of students and the transportation fees it proposes to charge.

(2) The board policies must include

- (a) a requirement to demonstrate to parents the need to charge any transportation fee, including its amount,
- (b) the circumstances under which any transportation fee may be waived or refunded,
- (c) the process a parent has to follow to request that a transportation fee be waived or refunded,
- (d) 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 transportation fee may be waived or refunded and of the procedures for requesting that a transportation fee be waived or refunded, as the case may be, and
- (e) with respect to the transportation of students and transportation fees,
  - (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.

#### **Transportation fee schedule**

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

#### **Submissions to the Minister**

**10(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

- (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 set out in the board's currently reviewed fee schedule,

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

#### **Collection and use statement**

**11** 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 transportation fees collected by it have been spent for the purposes for which they were collected.

#### **Publication of reviewed policies and approved fee schedule**

**12** 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 increases**

**13(1)** In deciding under section 10(2) whether or not to approve a new fee or an increase in a fee, the Minister shall take into account



- (a) whether the board has demonstrated that it has complied with its applicable policies under section 8, and
- (b) whether the proposed new fee 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 increase in a transportation fee schedule item that has been approved by the Minister under section 10(2).

#### **Refund and sanctions for contraventions**

**14** If, in the opinion of the Minister, a board has contravened section 10(2), the Minister may direct the board to refund any overpayment in fees 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 alleged contravention.

#### **Early childhood services charges to child under 6**

**15(1)** In this section,

- (a) “board” means a board that, and to the extent that it, provides an early childhood services program to children;
- (b) “child” means a child referred to in section 30(2.1) of the Act.

(2) Subject to this section, a board may charge fees for transportation in the amounts set by that board to a child’s parent.

(3) A board may not charge a fee for the transportation of a child who is eligible for transportation funding under the *Education Grants Regulation* (AR 120/2008).

(4) A fee charged for the transportation of a child who is not eligible for transportation funding under the *Education Grants Regulation* (AR 120/2008) must not exceed the amount estimated by the board to be the average cost to the board per child for transporting all children who are not so eligible.

(5) Subsections (3) and (4) do not apply to a fee agreed to by the board and the parent of a child for the enhanced pick-up or drop-off location of the child.

(6) Any surplus from transportation fees charged under subsection (4) must be used by the board to subsidize the cost of transportation of children referred to in that subsection in the 2 school years following the school year in which the surplus was collected.

(7) Subject to section 2, sections 6(2), 8 to 14 and 16 apply with respect to a board and children, but otherwise this Regulation does not apply.

**Transitional**

**16** In applying section 10(2) for the 2017–2018 school year, the reference to the currently reviewed fee schedule is to be taken as a reference to the applicable fee or its nearest equivalent charged in the 2016–2017 school year.

**Expiry**

**16.1** 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 September 1, 2019.

AR 31/2018 s3

**Repeal**

**17** The *Student Transportation Regulation* (AR 250/98) is repealed.

**Coming into force**

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





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