



Province of Alberta

## EDUCATION ACT

# PRIVATE SCHOOLS REGULATION

### Alberta Regulation 93/2019

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### Extract

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(no amdt)

**ALBERTA REGULATION 93/2019**

**Education Act**

**PRIVATE SCHOOLS REGULATION**

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**Interpretation****1(1)** In this Regulation,

- (a) “accredited private school” means a registered private school
  - (i) that is accredited under section 29(2) of the Act, and
  - (ii) whose registration and accreditation have not been cancelled or suspended under section 29(4) of the Act;
- (b) “Alberta Programs of Study” means the courses and programs of study prescribed by the Minister under section 18(1)(a) of the Act;
- (c) “Designated Special Education Private School” means a school designated under section 11(1);
- (d) “fiscal year” means the 12-month period beginning on September 1 and ending on the following August 31;
- (e) “funded private school” means an accredited private school that
  - (i) is owned or operated by a society registered under the *Societies Act*, a non-profit company incorporated under Part 9 of the *Companies Act* or a non-profit corporation incorporated by or under an Act of the Legislature, and
  - (ii) receives a grant under the *Education Grants Regulation* (AR 120/2008);
- (f) “instructional day”, in respect of a school, means a day on which instruction is provided by a teacher at the school;
- (g) “instructional staff”, in respect of an accredited private school, means
  - (i) teachers employed under section 8(1), and
  - (ii) any individuals employed under section 8(2)by the operator of the school;
- (h) “registered private school” means a school
  - (i) that is registered as a private school under section 29(1) of the Act, and

- (ii) whose registration has not been cancelled or suspended under section 29(4) of the Act.

(2) A reference in this Regulation to a ministerial order is to be interpreted as including a reference to the order as amended or replaced from time to time.

### **Registered Private Schools**

#### **Application for registration**

**2(1)** An application under section 29(1) of the Act to register a school as a private school must include

- (a) the name and contact information of all owners of the school,
- (b) the name and mailing address of the school,
- (c) the location of the school if the location is not apparent from the mailing address,
- (d) the names and contact information of the operators of the school, if different from the owners referred to in clause (a),
- (e) if an operator of the school is a corporation, the names and contact information of the directors and officers of the corporation,
- (f) the proposed programs of study and, if different from the Alberta Programs of Study, a list of subjects proposed to be offered and an outline of the major skills and knowledge areas to be learned by students, which must be consistent with the requirements of orders made by the Minister under section 18(2) of the Act,
- (g) information demonstrating that the school will be able to ensure that students enrolled in the school have sufficient opportunity to achieve, to an acceptable level, the outcomes set out in orders made by the Minister under section 18(2) of the Act and, if applicable, the standards set out in the Alberta Programs of Study,
- (h) a description of the applicable provincial assessments under programs established by the Minister that are proposed to be used, or any alternative assessments acceptable to the Minister that are proposed to be used, which must consist of standards that are similar to the standards contained in provincial assessments,

- (i) where applicable, proof that the building to be used by the school complies with municipal zoning bylaws and applicable municipal and provincial public health, safety, fire and building standards, and
  - (j) any additional information required by the Minister relating to the operation of the school.
- (2) If there are changes to the information referred to in subsection (1) after the application is submitted to the Minister, the changes must be submitted to the Minister forthwith.

#### **Requirements**

- 3** The operator of a registered private school must ensure that students enrolled in the school have
- (a) the opportunity referred to in section 2(1)(g), and
  - (b) the opportunity to write the applicable provincial assessments under programs established by the Minister.

#### **Right to continue to operate**

- 4(1)** The operator of a registered private school who intends to operate the school beyond the first year must submit to the Minister an operating plan, in the form prescribed by the Minister, that includes
- (a) the number of students estimated to be enrolled in the school on the last instructional day in September of the school year for which the plan is to have effect, and
  - (b) any changes to the information submitted under section 2(1) or (2).
- (2) An operating plan must be submitted annually not later than May 15 preceding the school year for which the plan is to have effect.
- (3) An operator of more than one registered private school may submit one operating plan that relates to all of those schools.

#### **Duty to inform parent**

- 5** The operator of a registered private school that is not an accredited private school must inform the parent of a prospective student of the school, in writing,

- (a) that a student who attends the registered private school may not necessarily be placed at the same grade level if the student registers in another school,
- (b) that the registered private school cannot grant credit for senior high school courses taken at that school,
- (c) of the operator's general liability insurance coverage for accidents and deaths, and
- (d) of the qualifications of the members of the instructional staff.

### **Accredited Private Schools**

#### **Application for accreditation**

**6** An application under section 29(2) of the Act to have a registered private school accredited as an accredited private school must include

- (a) the information listed in section 2(1), and
- (b) proof satisfactory to the Minister that the school meets the requirements of section 29(2)(b) of the Act.

#### **Application for grant**

**7(1)** The operator of an accredited private school is eligible to receive a grant under the *Education Grants Regulation* (AR 120/2008) if

- (a) at the time the grant is applied for, the private school has been in operation for a period of at least one year, and
- (b) for a period of at least one year immediately preceding the time the grant is applied for, the private school has been in compliance with all requirements that a funded private school must meet under the Act and this Regulation.

**(2)** The Minister may waive a requirement under subsection (1)(a) or (b) or both for an operator referred to in subsection (1).

#### **Requirements respecting instructional staff**

**8(1)** Subject to subsection (2), an operator of an accredited private school must employ as a teacher only an individual who holds a certificate issued under the *Certification of Teachers and Teacher Leaders Regulation*.

(2) An operator of an accredited private school may employ a competent individual to teach a language, culture or religion in the school under the supervision of a teacher who holds a certificate referred to in subsection (1).

### **Policies**

**9(1)** The operator of an accredited private school must develop and maintain policies relating to

- (a) the assessment of students, and
- (b) the supervision, evaluation and professional growth of teachers.

(2) A policy that is developed and maintained under subsection (1) must be consistent with the policy of the Minister on the same subject.

(3) To ensure that the health and safety of students are protected, the operator of an accredited private school must, in addition to the policies mentioned in subsection (1), develop and maintain policies relating to

- (a) safety for outdoor education and field trips, and
- (b) a health protocol.

### **Programs and standards**

**10** The operator of an accredited private school

- (a) must ensure that students enrolled in the school have the opportunity to meet the requirements prescribed under section 18(1)(b) of the Act,
- (b) must use the provincial assessments under programs established by the Minister, and
- (c) if the accredited private school is a funded private school, must provide the Alberta Programs of Study.

### **Designated Special Education Private Schools**

**11(1)** The Minister may designate a funded private school as a Designated Special Education Private School if

- (a) at the time the designation is made the school has been in operation for at least one year,

- (b) the school's sole purpose is to serve students with a mild, moderate or severe disability, and
  - (c) each of the students enrolled in the school is diagnosed with a disability referred to in clause (b).
- (2) The operator of a Designated Special Education Private School must meet
- (a) the standards set out in Ministerial Order No. 015/2004, *Standards for Special Education, Amended June 2004*, except the standards set out in section 16(e) of the Order, and
  - (b) all other applicable standards adopted or approved by ministerial order under section 18(2)(b) of the Act, whether the ministerial order is made before, on or after the day this Regulation comes into force.

#### **Parent advisory council**

**12(1)** In this section, “parent advisory council”, in respect of a funded private school, means a group of parents of students enrolled in the school who provide advice to the principal of the school and the operating board of the school respecting any matter relating to the school.

(2) The operator of a funded private school must establish a parent advisory council if the parents of students enrolled in the school do not constitute a majority of the members of the operating board of the school.

#### **Principal**

**13(1)** The operator of a funded private school must designate an individual to act as the principal of the school.

(2) An individual who does not hold a leadership certificate issued under the *Certification of Teachers and Teacher Leaders Regulation* is not eligible to be designated under subsection (1).

(3) The individual who is designated under subsection (1) to act as the principal of a funded private school may not, at the same time, be the operator of the school or a voting member of the board of directors of a society or non-profit company that is or may be operating the school.

(4) A principal of a private school must provide a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging.

**School closure**

**14** If the operator of a funded private school intends to close the school, the operator must

- (a) provide 30 days' advance written notice to the parents of each student enrolled in the funded private school and to the Minister, and
- (b) endeavour to place the students in another school.

**Officers and auditor**

**15** The operator of a funded private school must

- (a) appoint a secretary and a treasurer, or one person to act as the secretary-treasurer, of the funded private school who is neither the operator nor the chair or president of the operating board of the school, and
- (b) appoint as auditor for the funded private school a professional accounting firm registered under the *Chartered Professional Accountants Act* and authorized to perform an audit engagement

and must report their names and addresses to the Minister.

**Financial statements and budget**

**16(1)** The operator of a funded private school must submit to the Minister annually on or before November 30

- (a) the original and one copy of the audited financial statements for the funded private school's fiscal year ending on the August 31 preceding that date, in the form prescribed by the Minister and signed by the operator or the chair of the operating board of the school and by the treasurer or secretary-treasurer appointed under section 15(a),
- (b) an auditor's report in the form prescribed by the Minister, and
- (c) copies of any written communications between the auditor and the operator respecting the operator's internal control systems and accounting procedures.

**(2)** The operator of a funded private school must submit to the Minister annually on or before May 31, in the form prescribed by the Minister, the budget for the school's fiscal year starting on the September 1 following that date.

- (3)** An operator of more than one funded private school may, with the prior approval of the Minister, submit to the Minister
- (a) audited financial statements under subsection (1) that relate to all of those funded private schools, and
  - (b) a budget under subsection (2) that relates to all of those funded private schools.
- (4)** An auditor must, in accordance with the Canadian Auditing Standards, perform the auditor's examination of, and prepare the auditor's report on, the financial statements prepared under this section and submit the report to the operator.
- (5)** Employees of the operator must give the auditor access to all records, documents, books of account and vouchers of the operator at all times, and the auditor is empowered to request and receive from the operator and any employee of the operator any information and explanations that in the auditor's opinion may be necessary to enable the auditor to report as required by subsection (1).

#### **Insurance policy**

- 17(1)** The operator of a funded private school must keep in force, and provide the Minister on request with evidence of the existence of, a general liability insurance policy or other form of indemnification in an amount that is not less than \$2 million 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 funded private school for all claims arising from
- (a) a liability imposed by law on the operator of the funded private school, and
  - (b) a liability assumed under any agreement entered into by the operator of the funded private school.
- (3)** The operator of a funded private school must ensure that in the 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, member of the operating board, 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**

**18** The operator of a funded private school must maintain a fidelity bond in an amount acceptable to the Minister that covers the operator and employees of the school while carrying out duties relating to any money or security belonging to or held by the school.

**Education plan and annual education results report**

**19(1)** The operator of a funded private school must prepare a 3-year education plan and annual education results report as required by the Minister.

**(2)** Subsection (1) does not apply where the funded private school offers only heritage language programs or cultural programs, or both.

**(3)** An operator of more than one funded private school may include all of those schools in the same 3-year education plan and annual education results report.

**Responsibility where student is expelled**

**20** Where a student is expelled from a funded private school, the operator of the school

- (a) continues to be responsible for the student's education program for the remainder of the school year, and
- (b) must ensure that the student has access to an education program for the remainder of the school year.

**General Matters****Discipline, suspension and expulsion**

**21** The operator of a registered private school must

- (a) make rules for the discipline of students and for the suspension and expulsion of students that incorporate the principles of fundamental justice, and
- (b) provide copies of the rules to the students enrolled in the school and their parents.

**Repeal**

**22** The *Private Schools Regulation* (AR 190/2000) is repealed.

**Expiry**

**23** 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**

**24** This Regulation comes into force on September 1, 2019.







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