

SCHOOL ACT TO EDUCATION ACT: WHAT IS CHANGING?

	Current: School Act	Proposed for September 1, 2019: Education Act with proposed amendments in Bill 8
Age of Access	<p>Student is entitled to education programming provided they are younger than 19 years of age on September 1.</p> <p>Boards have discretion to fund education programming to students who are under age 20 as of September 1.</p>	No change—Bill 8 will amend the Education Act to maintain the current age of access.
Age of Attendance	Attendance is compulsory up to 16 years of age.	No change—Bill 8 will amend the Education Act to maintain the current mandatory age of attendance.
Age of Entry	Effective 2020, a common age of entry will be introduced for the province where children must be 5 years old by December 31 of the school year in which they would begin school.	No change—the Act allows for regulations to be made for Early Childhood Education, and these will be reviewed to ensure consistency for the system.
Alternative Programs	Is silent on out-of-boundary alternative programs.	School boards will be permitted to provide alternative programs outside of their geographic boundaries, provided that the resident school board has the first opportunity to deliver the alternative program.
Board Requirements – Audit Committees	A board is required to appoint an auditor who must prepare an auditor’s report on the financial statements prepared by the board. The board chair is responsible for bringing the auditor’s report to the board and for providing an opportunity for discussion.	<p>Boards (including charter schools) are still required to appoint an auditor, but now must also establish an audit committee consisting of public members.</p> <p>The audit committee will recommend the appointment of an auditor to the board, review the audited financial statements and report to the board.</p>
Board Requirements – Trustee Codes of Conduct	Boards are required to develop and implement a code of conduct for trustees including definitions of breaches and providing for sanctions for breaches, in accordance with principles set out by the Minister by order.	Boards are required to develop and implement a code of conduct for trustees including definitions of breaches and sanctions, up to and including the disqualification of a trustee from a board.
Charter Schools – Establishment Criteria	<p>The Minister is permitted to establish charter schools if the Minister is of the opinion that the charter school:</p> <ul style="list-style-type: none"> • Will have significant community support; 	The Minister may issue a charter to establish a charter school if the Minister is of the opinion that the program to be offered by the charter school:

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	<ul style="list-style-type: none"> • Has the potential to improve student learning; and • Offers programming that is not already offered by the boards if the public or separate school districts where the school is located. <p>The initial term of a charter is 5 years. The charter board is required to apply for renewal of the charter. The longest term of a renewal is 15 years.</p>	<ul style="list-style-type: none"> • Has the potential to provide improvements to the education system as a whole and enhances education research and innovation in Alberta; • Demonstrates collaboration or engagement with a post-secondary institution or school division; • Focuses on a learning style, teaching style, approach or pedagogy not already offered by the board of a school division in which the charter school is located; and • Has the potential to improve student learning outcomes. <p>The Education Act contemplates a regulation establishing criteria for issuing a charter to a charter school on a continuing basis.</p>
Charter Schools – Fees	Charter schools are exempt from certain parts of the fees regulation.	A charter school cannot charge a fee that may not be charged by a board.
Charter Schools – Provincial Cap	Provides specific regulation-making authority to regulate the number of charter schools in the province. The Charter Schools Regulation capped the number of charter schools at 15.	The regulation-making authority is more general and does not contain specific authority to regulate the number of charter schools.
Dispute Resolution	Does not require a dispute resolution policy at the school level between parents and school staff.	Boards will be required to establish a policy respecting the resolution of disputes or concerns at the school level between parents and school staff.
Early Childhood Services	The term “student” only applies to those 6 years and over, resulting in a limiting of rights to “children” receiving early childhood services programming.	Certain rights and benefits currently given to “students” (age 6 and over) are extended to all children registered in an early childhood services program.
Elections – Separate Schools	Only those of minority faith can run or vote in separate school board elections.	Separate school electors are allowed the choice of which school board to vote for or run in as trustee.
Elections – Ward Structures	The Minister must approve the electoral ward bylaw of a board. A regional division could not amend its ward boundaries, unless it converted to a	Boards are permitted to determine their own electoral ward structure, and must only inform the Minister of their decision.

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	school division. The option to convert to a school division is not available to separate regional divisions.	Boards must establish, implement and make publicly available a policy respecting considerations and processes used by a board to determine the wards.
Electoral Subdivision structure	Distinctions are drawn between school districts, school divisions and regional divisions. The different types of school boards have different abilities to amend their ward boundaries.	Distinctions between school districts, divisions, and regional divisions will be removed. All school authorities will be identified as a Public School Division or a Separate School Division. All numbers in school authority names will be removed.
First Nations – Education Services Agreements	Allows boards, with the approval of the Minister, to enter into agreements with First Nations for the education of students who live on a First Nations reserve and attend a school under the jurisdiction of the board. The Act also allows the Minister to establish standards for these agreements.	Boards (including charter schools) may enter into agreements with First Nations for the education of students who live on a First Nations reserve and attend a school under the jurisdiction of the board. The Act also allows the Minister to establish standards for these agreements. Ministerial approval is no longer required for boards to enter into these agreements.
First Nations – Trustee Appointments	A board may appoint a trustee to represent First Nations students and parents, but only if this appointment is provided for in the agreement between the board and the First Nation.	The board or Minister may appoint a trustee to represent First Nations students and parents where the board and the First Nation are party to an education services agreement.

<p>Gay-straight Alliances (support for student organizations)</p>	<p>On the request of a student or group of students, a principal shall immediately permit the establishment of a student organization such as a GSA or QSA.</p> <p>School authorities are required to create policies regarding their responsibility to provide welcoming, caring, respectful and safe environments for students and staff, and the Act contains prescriptive requirements for the content of the policies.</p> <p>Privacy considerations are governed by the <i>Freedom of Information Act</i> or <i>Personal Information Protection Act</i>, and by the specific notification prohibitions in the act.</p> <p>Some situations could occur that would justify disclosure to parents or others. These may include:</p> <ul style="list-style-type: none"> • where a school received credible information that someone was threatening to harm GSA members; • if information came to the attention of a teacher as a result of a student disclosure made in the GSA setting (e.g. possibility of self-harm), disclosure may be justified in order to avert or minimize a risk of harm; or • if disclosure is required for the purposes of law enforcement. 	<p>On the request of a student or group of students, a principal shall permit the establishment of a student organization such as a GSA or QSA.</p> <p>School authorities are required to create policies regarding their responsibility to provide welcoming, caring, respectful and safe environments for students and staff, but the Act does not contain the same prescriptive requirements for the content of the policies.</p> <p>Privacy considerations are governed by the <i>Freedom of Information Act</i> or <i>Personal Information Protection Act</i>.</p> <p>Some situations could occur that would justify disclosure to parents or others. These may include:</p> <ul style="list-style-type: none"> • where a school received credible information that someone was threatening to harm GSA members; • if information came to the attention of a teacher as a result of a student disclosure made in the GSA setting (e.g. possibility of self-harm), disclosure may be justified in order to avert or minimize a risk of harm; or • if disclosure is required for the purposes of law enforcement.
<p>Leadership Certification</p>	<p>Includes requirements, coming in to force on September 1, 2019, to allow for leadership certificates to be issued to principals and superintendents, including the requirement to hold these certificates as a condition of employment.</p>	<p>No change—Bill 8 will amend the Education Act to include the new leadership certification requirements to come into force with the Education Act on September 1, 2019.</p>
<p>Natural Person Powers</p>	<p>Does not currently provide school boards with natural person powers.</p>	<p>Natural person power gives greater flexibility as to how a school board may exercise its jurisdiction as set out in the Act.</p>

Private Schools – Financial Administration	The Minister does not have a specific legislative mechanism in the private school section to address the operating status of registered and accredited private schools that are in a precarious financial situation.	Allows the Minister of Education to cancel or suspend the registration or accreditation of a private school if the financial administration of the school places the learning environment of students at risk.
Resident student	A student is determined to be a resident student of a board based on the residence of their parent or guardian.	No change. Bill 8 will amend the Education Act to maintain the current requirements on residency.
Roles and responsibilities of students, parents, trustees and school boards	Students are required to abide by the code of conduct that is set out in the Act.	The roles and responsibilities of students, parents, trustees and school boards are consolidated in dedicated sections to ensure that all partners in the education system understand the active role they must play to ensure student success.
School Fees	Allows for the regulation of school fees.	Allows for the regulation of school fees. Government intends to maintain some of the restrictions on fees through the regulations.
Separate School District Establishments	Recent amendments were made to support the establishment of separate school districts in a more open and transparent manner, including a voting process.	No change—Bill 8 will amend the Education Act to maintain the establishment process currently in place.
Student Advisory Council	Although the School Act did not contain provisions establishing a student advisory council, informal student councils have existed in the past (i.e. Minister’s Youth Council)	Authorizes the Minister to establish a Student Advisory Council made up of student members appointed by the Minister. The Student Advisory Council shall, at the Minister’s request, advise or consult with the Minister on any matter; or perform any duty or function assigned by the Minister.
Superintendents – Compensation	The superintendent compensation framework under the Superintendent Regulation took effect on June 1, 2018. Requires superintendent appointments to be approved by the Minister.	No change—Bill 8 will amend the Education Act to reinstate the requirement for superintendent appointments to be approved by the Minister.
Transportation – Eligibility Criteria	Legally obligates boards to provide transportation services in accordance with the regulations.	No change—Bill 8 will amend the Education Act to maintain the requirement for boards

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