

2020 Bill 15

Second Session, 30th Legislature, 69 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 15

CHOICE IN EDUCATION ACT, 2020

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 15

2020

CHOICE IN EDUCATION ACT, 2020

(Assented to _____, 2020)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends SA 2012 cE-0.3

1 The *Education Act* is amended by this Act.

2 The preamble is amended

(a) by adding the following after the 8th recital:

WHEREAS parents have a prior right to choose the kind of
education that may be provided to their children;

(b) by adding the following after the 13th recital:

WHEREAS the Government of Alberta recognizes public
schools, separate schools, Francophone schools, private
schools, charter schools, early childhood services programs
and home education programs as being valued and integral in
providing choice in education to students and parents;

3 The following is added after section 4:

Residence

4.1 For the purposes of this Act, the place of residence of a
person is governed by the following:

Explanatory Notes

1 Amends chapter E-0.3 of the Statutes of Alberta, 2012.

2 The preamble presently reads in part:

WHEREAS parents have the right and the responsibility to make informed decisions respecting the education of their children;

WHEREAS the Government of Alberta believes in and is committed to one publicly funded education system that provides a choice of educational opportunities to students and that honours the rights guaranteed under the Constitution of Canada in respect of minority language and minority denominational education through the dimensions of public, separate and Francophone schools;

3 Residence.

- (a) a person is deemed to have only one place of residence;
- (b) a person's residence is the place where that person ordinarily lives and sleeps and to which, when absent from the residence, that person intends to return.

4 Section 15(3) is amended by striking out “section 4(6)” and substituting “section 4(7)”.

5 Section 20 is repealed and the following is substituted:

Home education programs

20(1) A parent of a student may provide, at home or elsewhere, a type of home education program for the student in accordance with the regulations.

(2) The Minister may make regulations respecting any type of home education program, including, without limitation, regulations respecting

- (a) notification requirements to provide a home education program, and
- (b) supervision requirements, if any, of a home education program.

6 Section 21(2) is amended

- (a) **by adding** “or, with the approval of the Minister, a person” **after** “A board”;
- (b) **by adding** “both” **before** “the parent of the student”.

7 Section 24(2) is repealed and the following is substituted:

(2) On receipt of an application under subsection (1), the Minister shall, in accordance with the regulations, provide

4 Section 15(3) presently reads:

(3) If a student is the child of a Francophone and is enrolled in a school operated by a Francophone regional authority, the student continues to be a resident student of a board of a school division or, if section 4(6) applies to the student, of the Government, but section 11(1) does not apply to that board or the Minister, as the case may be, with respect to that student while the student is enrolled in a school operated by a Francophone regional authority.

5 Section 20 presently reads:

20(1) A parent of a student may provide, at home or elsewhere, a home education program for the student if the program

- (a) meets the requirements of the regulations, and*
- (b) is under the supervision of a board or the person responsible for the operation of a private school accredited under section 29(2).*

(2) If a parent resides in unorganized territory, the Minister shall act as a board for the purposes of this section.

(3) The Minister may make regulations respecting home education.

6 Section 21(2) presently reads:

(2) A board may provide an early childhood services program to a student who, as of September 1, is younger than 7 years of age if the parent of the student and the board are of the opinion that the program will benefit the student.

7 Section 24(2) presently reads:

(2) An application may be made to the Minister only if the board of the school division in which the school is to be established has

notice of the application for a new charter school and the proposed programming to

- (a) every board of a public or separate school division and Francophone regional authority operating within the geographic area in which the charter school is to be established, and
- (b) the operators of any other charter schools as determined by the Minister.

8 Section 25(1)(a) is repealed and the following is substituted:

- (a) focuses on
 - (i) a learning style, a teaching style, approach or philosophy or pedagogy that is not already being offered by a board of a public or separate school division or Francophone regional authority operating within the geographic area in which the charter school will be located, or
 - (ii) vocation-based education,

9 Section 27(1) is amended

- (a) in clause (b) by adding “4.1,” after “4,”;
- (b) in clause (c) by adding “28.1,” after “23,”.

10 The following is added before section 29:

Recognition of private schools

28.1 Private schools are recognized as being important in providing parents and students with choice in education, and a person responsible for the operation of a private school shall ensure students enrolled in the private school are provided with an education program consistent with the requirements set out in the Act and the regulations.

refused to establish an alternative program under section 19 as requested by the person.

8 Section 25(1) presently reads in part:

25(1) The Minister may issue a charter to establish a charter school in accordance with the regulations if the Minister is of the opinion that the program to be offered by the charter school

- (a) focuses on a learning style, a teaching style, approach or philosophy or pedagogy that is not already being offered by the board of the school division in which the charter school will be located,*

9 Section 27(1) presently reads in part:

27(1) The following provisions and any regulations made under them apply to a charter school and its operation, and a reference in those provisions or those regulations to a board or a trustee is deemed to include a reference to the operator of a charter school or a member of the governing body of the operator of a charter school, as the case may be:

- (b) Part 1 except sections 4, 10, 11(1), 14 and 15;*
- (c) Part 2 except sections 19, 20, 23, 29 and 30;*

10 Recognition of private schools.

11 Section 30 is amended

- (a) in subsection (1)(c) by adding “28.1,” after “18,”;**
- (b) in subsection (2)**
 - (i) by striking out “except subsections (2) and (5)” and substituting “except subsection (5)”;**
 - (ii) by striking out “20(3)” and substituting “20(2)”.**

12 Section 125(1)(c) is amended by adding “28.1,” after “sections”.

13 Section 142(2) is repealed and the following is substituted:

- (2) The audit committee shall comprise at least 5 individuals and shall include 2 members who are not trustees.**

11 Section 30 presently reads in part:

30(1) The following provisions and any regulations made under them apply to a registered or accredited private school and its operation, and a reference in those provisions or those regulations to a board or a trustee is deemed to include a reference to the person responsible for the operation of a private school or a member of the governing body of the operator of a private school, as the case may be:

(c) in Part 2, sections 16, 17, 18, 29 and 30;

(2) In addition to the provisions referred to in subsection (1), section 20 and section 21, except subsections (2) and (5), and any regulations made under section 20(3) or 21(6), apply to an accredited private school and its operation, and a reference in those provisions or those regulations to a board or a trustee is deemed to include a reference to the person responsible for the operation of an accredited private school or a member of the governing body of the operator of an accredited private school.

12 Section 125(1) presently reads in part:

125(1) The following provisions and any regulations made under them apply to a Francophone regional authority and a reference in those provisions or those regulations to a board or a trustee is deemed to include a reference to the Francophone regional authority or a trustee of a Francophone regional authority, as the case may be:

(c) Part 2, except sections 29 and 30;

13 Section 142(2) presently reads:

(2) The audit committee shall comprise at least 5 individuals and shall include at least one of each of the following individuals:

(a) a member of the business community who is not a trustee;

(b) a member of the adult learning community who is not a trustee;

(c) a trustee.

Coordinated amendment

14(1) If section 2(2) and (3) of the *Red Tape Reduction Implementation Act, 2019* come into force before September 1, 2020, effective September 1, 2020 section 27(1)(e) is amended by striking out “sections 51, 59, 59.1 and 62” and substituting “sections 51, 53.1, 59, 59.1, 62 and 69(a)”.

(2) If section 2(2) and (3) of the *Red Tape Reduction Implementation Act, 2019* come into force on or after September 1, 2020,

- (a)** effective September 1, 2020, section 27(1)(e) is amended by striking out “sections 51, 59, 59.1 and 62” and substituting “sections 51, 59, 59.1, 62 and 69(a)”, and
- (b)** on the coming into force of section 2(2) and (3) of the *Red Tape Reduction Implementation Act, 2019*, section 27(1)(e) is amended by adding “53.1,” after “51,”.

Coming into force

15 This Act has effect on September 1, 2020.

14 Section 27(1) presently reads in part:

27(1) The following provisions and any regulations made under them apply to a charter school and its operation, and a reference in those provisions or those regulations to a board or a trustee is deemed to include a reference to the operator of a charter school or a member of the governing body of the operator of a charter school, as the case may be:

- (e) Part 4 except sections 51, 59, 59.1 and 62, Division 4, section 87(1)(a) and (2), section 91(b) and (c) and sections 92 to 96;*

15 Coming into force.

