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School Councils Regulation

Fall 2018 Regulatory Changes

In the past year, government has made several legislative and regulatory changes to support Alberta's education system. Some of these changes were already in effect, while others took effect on September 1, 2018.

The *School Act* sets out the goals, roles and responsibilities of Alberta's Early Childhood Services to Grade 12 (ECS-12) education system.

School Act Regulations

The regulations take their authority from specific sections of the *School Act* and describe additional legal requirements that must be met by the Government of Alberta, school boards, charter schools, private schools, teachers and parents. The relevant sections of the *School Act* are identified after each regulation.

Changes to the regulations include three new regulations and three amendments:

Establishment of Separate School Districts Regulation |NEW for 2018
[PDF](#)

Separate School Regions Establishment and Provision of Services
Order s.221 | NEW for 2018 [PDF](#)

Student Record s.38.1(10) | NEW for 2018 [PDF](#)

[Early Childhood Services](#) s.30(4) | [2018 Amendment PDF](#)

[Private Schools](#) s.28(6) | [2018 Amendment PDF](#)

[School Councils](#) s.22(10) | [2018 Amendment PDF](#)

Overview - School Councils Regulation: This regulation outlines the requirements for the establishment and operation of school councils. This includes the membership of a council, the development of bylaws and responsibilities related to the management of money. Recent amendments to the regulation will:

1. Expand automatic school council membership to parents of children attending an ECS program that is in the school and is operated by the school board; and
2. Clarify responsibilities related to the management of money and fundraising activities.

More information at Alberta Education

<https://education.alberta.ca/legislation-and-regulations/school-act/>

ASCA has prepared the following documents to highlight changes to the School Councils Regulation.

1. Regulation with strike-outs, additions and changes highlighted in yellow.
2. Regulation Amendment 2018 (as above).
3. Regulation "clean copy" incorporating the changes (to be posted on Alberta Queen's Printer)

In addition, clarification on the intent of **Section 13. 1(1)** (donations), from Alberta Education is as follows:

For School Council Chairs:

- The intent of section 13.1 of the *School Councils Regulation* is for clarification with respect to the handling of money by school councils. In the context of this section, donations does not refer to “charitable donations”, but to any monies that may be given to a school council from another entity such as a school board, foundation, or society. The regulation sets out that any monies received by a school council must be handled and reported in accordance with school board policies.
- There are two pathways for charitable donations: (1) Donations can be made directly to school boards that have registered as a charity, and (2) Donations to a fundraising arm such as a foundation or a society (established under the *Societies Act*), and are registered charities. However, not all school boards, foundations or societies have applied for registered charitable status.

For Secretary/Treasurers of school boards:

- For questions on charitable donations directly to the school board, please identify if your school board has registered charitable status and what the threshold is for donations before issuing a charitable donation receipt.

Consult your board's policy and procedures related to charitable donations for specific procedures and overall guidance/direction regarding your board's practices.

- For questions on charitable donations to a fundraising organization associated with a school in your jurisdiction (i.e. a foundation or a society), please be aware that foundations or societies may not have applied for charitable status registration and cannot issue donation receipts.

For Superintendents:

- At a COSC (Council of School Councils) meeting, it would be helpful to outline for school councils in your jurisdiction the paths that donations can follow, should donations be intended for use at the school: (1) donations directly to the school board as per board policy, or (2) donations to a fundraising arm of a school (i.e. a foundation or a society).
- Advise your respective school councils if the school board has registered charitable status, and what the threshold amounts are required for the issuance of donation receipts. Refer to any policy the school board has on charitable donations.

Download [13.1 clarification](#)

Of Note - ASCA provided input and submission(s) to Alberta Education on the proposed draft changes to the School Councils Regulation in 2013, 2015:

ASCA [Submission to the Regulatory Review Committee 2013](#)

ASCA [Letter to the Minister of Education 2015](#)

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Promoting parent engagement in public education

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