



Province of Alberta

## SCHOOL ACT

# SCHOOL COUNCILS REGULATION

### **Alberta Regulation 113/2007**

With amendments up to and including Alberta Regulation 163/2018

Current as of September 1, 2018

### Office Consolidation

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(Consolidated up to 163/2018)

**ALBERTA REGULATION 113/2007**

**School Act**

**SCHOOL COUNCILS REGULATION**

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**Definitions**

**1** In this Regulation,

- (a) “Act” means the *School Act*;
- (b) “board” has the meaning given to it in the Act;
- (b.1) “early childhood services program” means an education program provided by a board under section 30 of the Act;

- (c) “establishment meeting” means a meeting to be held under section 2 to establish a school council;
- (d) “executive” means the executive of a school council;
- (e) “model of governance” means the process and structure used by a school council to make decisions regarding its business and affairs;
- (f) “school community” in respect of a school means
  - (i) students enrolled in the school and their parents,
  - (ii) children enrolled in an early childhood services program at the school and their parents,
  - (iii) the school staff, and
  - (iv) other persons who have an interest in the school;
- (g) “school day” means a day scheduled for the purpose of instruction, examinations or other student activities where student-teacher interaction and supervision are maintained.

AR 113/2007 s1;163/2018

**Establishment meeting**

**2(1)** If a school that is required to have a school council has no school council, the school must, within 40 days after the start of the school year, hold a meeting for the purpose of establishing a school council.

**(2)** If there are fewer than 5 parents in attendance at an establishment meeting or if the meeting is not successful in establishing a school council, the principal may adjourn the meeting to a later date and establish an advisory committee to carry out one or more duties or functions of a school council in the interim until a school council is established.

**(3)** Any advisory committee established under subsection (2) is dissolved on the establishment of a school council.

AR 113/2007 s2;163/2018

**Notice of establishment meeting**

**3(1)** If a school is required to hold an establishment meeting, the principal must give notice to the following persons of the meeting:

- (a) a parent of each student enrolled in the school;

- (b) a parent of each child enrolled in an Early Childhood Services program at the school;
  - (c) the school staff;
  - (d) other members of the school community who, in the principal's opinion, should be given notice.
- (2)** A notice under subsection (1) must
- (a) describe the purpose of the meeting,
  - (b) set out the time, date and location of the meeting, and
  - (c) be given at least 10 school days before the date of the meeting.
- (3)** A notice under subsection (1) may be given by any means that the principal considers appropriate, including electronic means.
- (4)** If an establishment meeting is adjourned under section 2(2), notice of the adjournment date must be given in accordance with this section.

AR 113/2007 s3;163/2018

**4** Repealed AR 163/2018 s5.

**Chair and secretary at establishment meeting**

**5** The principal must decide who is to act as the chair and who is to act as the secretary at an establishment meeting.

**Agenda at establishment meeting**

- 6(1)** The persons attending an establishment meeting must
- (a) decide, subject to section 8, on the size of the school council,
  - (b) decide on the model of governance for the school council,
  - (c) decide, subject to subsection (2), on the term of office of each member of the school council,
  - (d) elect, subject to subsection (2), the initial members of the school council referred to in section 8(1)(d),
  - (e) decide, subject to section 9, on the size of the executive,

- (f) decide on the term of office of each member of the executive, and
- (g) elect the initial members of the executive.

(2) For greater certainty, but without restricting the generality of subsection (1)(a), the persons attending an establishment meeting may decide that for the purposes of section 8(1)(d), the school council may include

- (a) all parents of students enrolled in the school, and
- (b) if an early childhood services program is offered at the school, all parents of children enrolled in an early childhood services program at the school

who wish to be members.

AR 113/2007 s6;163/2018

#### **Right to vote at establishment meeting**

**7** Despite section 6, only persons who attend the establishment meeting and are

- (a) parents of students enrolled in the school, or
- (b) parents of children enrolled in an early childhood services program at the school

are entitled to vote on matters raised at the meeting.

#### **School council membership**

**8(1)** A school council must include the following members:

- (a) the principal of the school;
- (b) at least one person who is a teacher at the school, elected or appointed by the teachers at the school;
- (c) if the school includes a senior high school program, at least one person who is a student enrolled in the high school, elected or appointed by the students enrolled in the high school;
- (d) subject to section 22(2) of the Act, parents of students enrolled in the school.
- (e) if an early childhood services program is offered at the school, parents of children enrolled in the program.

(2) The members of a school council referred to in subsection (1) may establish a process to appoint as members of the school council one or more persons who are not parents of students enrolled in the school but who have an interest in the school.

AR 113/2007 s8;163/2018

#### **School council executive**

**9(1)** A school council must have a chair and any other members of the executive determined by the persons attending an establishment meeting.

(2) A parent of a student enrolled in the school or, if an early childhood services program is offered at the school, a parent of a child enrolled in the program must be elected chair of the executive.

(3) Despite subsection (2), a member who is not a parent may be elected chair of the executive if no parent is willing to be nominated as chair.

(4) Subject to subsection (2), every member of a school council is eligible to be elected as a member of the executive.

AR 113/2007 s9;163/2018

#### **Faith of school council members**

**10** Unless a resolution has been passed under section 22(3) of the Act, the members of a school council may be of any faith.

#### **Remuneration of school council members**

**11** No member of a school council shall receive any remuneration for acting as a member of the council.

#### **Prohibition against incorporation**

**12** No school council shall incorporate under the *Societies Act* or Part 9 of the *Companies Act*.

#### **Responsibilities of board**

**13(1)** A board must provide the school council with an opportunity to provide advice on the development of the school's

- (a) foundation statements, if any, respecting the school's vision, principles and beliefs,
- (b) policies,

- (c) annual education plan and annual results report required by the Minister to be reported under section 78 of the Act, and
- (d) budget.

(2) A board must provide the school council with the results for the school from provincial assessments and any other provincial measures, and an interpretation of those results and measures.

(3) A board must at all reasonable times allow the school council free and full access to timely and accurate information of the board that is publicly available, including board policies and minutes of board meetings.

AR 113/2007 s13;163/2018

#### **Donations**

**13.1(1)** A school council may receive donations on behalf of a board but no school council shall raise funds or otherwise solicit donations in any manner that would require a gaming licence under the *Gaming and Liquor Act*.

(2) A school council must handle and report all money it receives, if any, in accordance with applicable policies and procedures of the board.

AR 163/2018 s11

#### **Duty to report to the board**

**14(1)** The chair of a school council must prepare and provide to the board by September 30 of each year a report

- (a) summarizing the activities of the school council in the previous school year, and
- (b) detailing, in accordance with the policies referred to in section 13.1(2), the receipt, handling and use of any money by the school council in the previous school year.

(2) A school council must retain at the school a copy of the minutes for each meeting of the school council and make them available to the board or the public on request.

(3) A school council must retain the minutes for each meeting of the school council for at least 7 years.

AR 113/2007 s14;163/2018



**Date for first meeting of school council**

**15** For any school year, the first meeting of the school council must be held within 20 school days after the start of the school year or as specified in the bylaws of the school council.

**Suspension of school council**

**16(1)** If a quorum is not available for a meeting of a school council and the meeting has been re-scheduled on 2 or more occasions, the board may suspend the operation of the school council until the following year.

**(2)** If the operation of a school council is suspended, the principal may establish an advisory committee to carry out one or more of the duties or functions of the school council until a new school council is established under subsection (3).

**(3)** If the operation of a school council is suspended under subsection (1), a new school council must be established within 40 school days after the start of the next school year in accordance with sections 2 to 9.

**Bylaws of school council**

**17(1)** Each school council may make bylaws respecting the conduct of its business and affairs including, without limitation, bylaws

- (a) respecting the calling of regular, special or annual meetings of the school council;
- (b) subject to section 6, respecting the election of members of the school council;
- (c) subject to section 6, respecting the election of members of the executive;
- (d) respecting the role of the chair and other members of the executive relating to the conduct of the school council's affairs;
- (e) respecting the number of times the school council must meet each year;
- (f) respecting the location of school council meetings;
- (g) respecting the number of school council members that constitutes a quorum at meetings of the school council;
- (h) respecting a conflict resolution process for internal school council disputes.

(2) A bylaw under subsection (1) does not come into force unless it is approved by a majority of

- (a) parents of students enrolled in the school, and
- (b) parents of children enrolled in an Early Childhood Services program at the school

who vote at a special meeting of the school council called for that purpose.

(3) The bylaws continue in force from year to year unless

- (a) they are amended at a special meeting of the school council called for that purpose, and
- (b) the amendment is approved in accordance with subsection (2).

#### **Fees prohibited**

**18** No school council shall be charged a fee for the use of the school or school facilities for the purpose of holding a meeting of the school council.

#### **Exemptions**

**19** The following are exempt from the application of section 22 of the Act and this Regulation:

- (a) a school for resident students of the Government as described in section 44(7) of the Act that is provided in an institution approved by the Minister;
- (b) a school for students that is provided in an institution approved by the Minister.

#### **Repeal**

**20** The *School Councils Regulation* (AR 171/98) is repealed.

#### **Expiry**

**21** 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, 2021.

AR 113/2007 s21;136/2016;28/2018

**Coming into force**

**22** This Regulation comes into force on July 1, 2007.



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