

ROLES AND RESPONSIBILITIES FOR ALTERNATIVE PROGRAMS

1. What can an alternative program fee cover?

Section 21(4) of the *School Act* states: “If a parent enrolls a student in an alternative program, the board may charge that parent fees for the purpose of defraying all or a portion of any non-instructional costs that

- (a) may be incurred by the board in offering the alternative program, and
- (b) are in addition to the costs incurred by the board in providing its regular education program.”

Section 21 of the *School Act* permits a public board, a separate board, or a francophone regional authority to defray all or a portion of these additional non-instructional costs by charging parents who choose an alternative program a fee.

A board has the authority to approve non-instructional alternative program fees. To ensure that the fee amount is accurate and transparent, boards should approve alternative program fees annually and provide the alternative program fee information to parents prior to student registration in any given school year.

Some examples of non-instructional costs include:

- Resources specific to the alternative program (e.g., Montessori materials for a Montessori alternative program, specialized art materials for a fine arts alternative program, bible study materials for a Christian alternative program).
- Professional development for staff specific to the alternative program.
- School uniforms.
- Instructors providing instruction for the alternative portion of the program (e.g., a hockey coach for a hockey alternative program, a dance instructor for a fine arts alternative program, a rabbi for a Jewish alternative program), not for core courses.
- Field trips required of all students that support the alternative program (e.g., travel to games for a sports alternative program, attendance at a religious retreat for a Muslim alternative program, attendance at a theatre presentation for a fine arts alternative program).

The Alberta School Boards Association (ASBA) has provided advice to boards regarding school fees in *Policy Advisory: School Fees (Updated May 2007)* including, “It is essential that the development of policies and practices related to school fees reflect the principles of clarity, transparency, fairness and accountability.”

The ASBA policy advisory on school fees contains guidelines which may assist boards in the setting of alternative program fees:

1. School board policy should guide schools in setting school-based fees. Procedures need to be implemented to support compliance with board policy at the school level.
2. School boards should set fees in consultation with school principals, staff, school councils and parents. Central office staff and other stakeholder groups are available to support the use of consultation processes.
3. School boards should ensure that fees are only used for the purpose for which they were collected and should be directly related to the cost of resources provided to students.
4. School boards should ensure that schools communicate with their school community and central office staff about the need for school fees and have summary financial statements on public file to show that the monies collected were used to support the program for which they were intended.
5. School boards should ensure that there is a provision for fees to be waived in situations deemed appropriate by school leaders. The existence of these provisions should be clearly communicated to school staff and parents.

In order to reflect the principles of clarity, transparency, fairness and accountability, a board should be able to provide parents with an itemization of the alternative program fee and what it provides for in the program.

A board should also set fees for transportation to the alternative program separately from the alternative program fee. This provides parents with the choice of using the transportation to the alternative program as arranged by the board or transporting their child to the program on their own.

2. What is the role of Alberta Education in relationship to school boards and setting alternative program fees?

Alberta Education has no direct role in setting alternative program fees. Alternative programs are established at the discretion of the board, and the board is responsible for setting and being accountable for alternative program fees.

The board should have in place a policy for alternative programs that reflects Alberta Education's *Alternative Program Handbook*. In setting alternative program and other fees, the board must ensure that it complies with all applicable legislation. The board should approve fee rates in time to ensure parents can make informed choices for the next school year.

Parents may appeal to the board a decision of an employee of a board regarding an alternative program fee. Further, once the matter has been heard at the board level, section 124 of the *School Act* allows a parent to request, in writing, that the Minister review the decision of the board relating to the amount and payment of fees or costs.

3. Can a society or non-profit company associated with an alternative program set a society or other form of membership fee?

A society or non-profit company associated with an alternative program may set a society fee or other fee related to membership or involvement in the society or company. This fee is separate from the alternative program fee set by the board.

4. Can parent payment of the fee set by the society or the non-profit company be a condition of the board's enrolment of a student in the alternative program?

An alternative program is a public education program offered by a public board and admission to the school offering the program is under the direction of the board. A board cannot deny a student access to the alternative program on the basis that the student's parent is not a member of a society or does not pay the fee of a society or non-profit company associated with the program. Following the ASBA policy advisory on school fees, the society's or non-profit company's fee should be an optional fee that parents may choose to pay and should be outlined and explained in board and school communications related to the alternative program.

5. Can a board give all or portion of the alternative program fee to the society or non-profit company?

The board may choose to use all or a portion of the alternative program fee to reimburse a society or non-profit company for its support. The board should be clear, transparent and fair in setting this portion of the alternative program fee. The board remains accountable for the disbursement of the alternative program fee, including the portion it may pay to the society or non-profit company.

6. Can a board delegate the authority to set and be accountable for alternative program fees to a society or non-profit company?

Section 61 of the *School Act* enables a school board to delegate its power, with certain limitations, to:

- a) any of its employees,
- b) a committee of the board or that is established by the board,
- c) a school council, or
- d) a joint committee established under section 63.

Section 61 does not enable a board to delegate its power to a society or non-profit company. These entities are governed by legislation that is separate from that governing public education. Boards do not govern nor regulate a society or non-profit company. Although the board may have an agreement with a society or non-profit company related to the alternative program, only the board may set alternative program fees.

7. Who can attend an alternative program?

Section 45(1) of the *School Act* states that a board shall ensure that each of its resident students is provided with an education program consistent with the requirements of the *School Act* and its regulations. Section 45(3) states that a board shall enroll a resident student of the board, or of another board, in a school requested by the parent if, in the opinion of the board, there are sufficient resources and facilities available to accommodate the student.

Therefore, school boards must enroll a student in an alternative program of the parent's choice if, in the opinion of the school board,

- the student's educational needs can be appropriately addressed in the program; and
- the program has sufficient resources and facilities to accommodate the student.

Boards offer alternative programs to meet the specific educational interests of students and their parents. In order to support student success, it is critical that students, their parents and the board look for a match between the specific educational interests of the student and the primary focus of the alternative program. Given that boards offer alternative programs to address a specific programming focus, the appropriate placement of students must be fully considered.

If a parent wants to register their child in an alternative program and it is determined that the student's educational needs cannot be appropriately addressed in the program or that the program does not have sufficient resources and/or facilities to support the student, after consultation with the parent, the board may refuse to enroll the student in the alternative program. In such cases, it is important for the board to communicate clearly with parents its decision and the rationale for the decision. If this decision is made by an employee of the board, this decision may be appealed to the board by the parent of the student (or the student, if the student is 16 years of age or older).

8. What legislation governs a society or non-profit company?

The *Societies Act* and the *Societies Regulation* regulate societies incorporated in Alberta. The *Companies Act* regulates non-profit companies.

9. What is the role of the society or non-profit company that operated a former private school that is now an alternative program?

The society or non-profit company that previously operated a private school may negotiate its new role with the school board that now operates the school as an alternative program. The new role must reflect the change in the school's status from a private school to a public education program. The board now operates the school and is accountable for all aspects of the school's operation and administration.

10. What happens when a parent disagrees with the fees the board charges for the alternative program?

Parents have the right to appeal a fee decision to the board and then have the right, under section 124 of the *School Act*, to request the Minister review a board's decision on the appeal.

11. What is the process for accessing lease support if a board decides to support the alternative program in a facility not owned by the board?

The *School Capital Manual* provides information about the process boards may use to request lease support. Education is currently undertaking a review of leasing and will update the *School Capital Manual* once the review is complete and any recommendations are approved.

School jurisdictions may receive funding to lease appropriate facilities when other accommodation options are not available or practical to accommodate current enrolment.

A school jurisdiction requesting funding approval to cover the temporary leasing cost of a facility must submit the following information to Capital Planning Branch:

- The number of students and the programs that would be accommodated in the temporary facility.
- The enrolment projections for the next five years and the utilization rates of school facilities in the jurisdiction that are within bussing distance of the students requiring temporary facilities.
- The availability of space in school facilities owned by other school jurisdictions that is accessible to, or within bussing distance of, the students requiring temporary facilities.
- The area of space to be leased, the terms and conditions of the lease, the cost of the lease and any other information that is relevant to the lease.

12. What, if any, transportation funding is there for students who parents enroll them in an alternative program?

If a resident student of an urban district is enrolled in a school of the parent's choice outside the attendance area or transportation service area (as defined in the *Student Transportation Regulation*) in which the student resides, eligibility for transportation support is determined by the distance to the school nearest the student's residence.

In rural areas, if a resident student of a board is transported by the board to a school of the parent's choice outside the attendance area or transportation service area (as defined in the *Student Transportation Regulation*) of the designated school for the student, only density support and distance support to the nearest school may be claimed for that student if he or she is an eligible passenger. Where a board has adopted over-lapping school attendance or transportation service areas, density support and distance support to the school nearest the student's residence may be claimed.

If a board operates an alternative program outside the board's geographical boundary, there is no transportation funding for students attending the program unless the student is a resident student of the board.