



Province of Alberta

## SCHOOL ACT

# EARLY CHILDHOOD SERVICES REGULATION

### Alberta Regulation 31/2002

With amendments up to and including Alberta Regulation 133/2015

### Office Consolidation

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### **Note**

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(Consolidated up to 133/2015)

**ALBERTA REGULATION 31/2002**

**School Act**

**EARLY CHILDHOOD SERVICES REGULATION**

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**Definitions**

**1** In this Regulation,

- (a) “Act” means the *School Act*;
- (b) “board” means a board as defined in the Act and includes an operator of a charter school;
- (c) “fiscal year” means the 12-month period beginning on September 1 and ending on the following August 31;
- (d) “operator” means a board, the operator of an accredited private school or a private ECS operator;
- (e) “private ECS operator” means a society registered under the *Societies Act*, a non-profit company registered under Part 9 of the *Companies Act* or a non-profit corporation incorporated by or under an Act of the Legislature, other than a private school, that
  - (i) operates an early childhood services program, and

- (ii) receives funding under the *School Grants Regulation* (AR 72/95) in respect of the operation of the program.

**Application**

**2(1)** A person, other than a board, who wishes to operate an early childhood services program must apply to the Minister for approval on a form prescribed by the Minister.

**(2)** Each year an operator, other than a board, who wishes to continue to operate an early childhood services program shall apply to the Minister for approval on a form prescribed by the Minister.

**Safety standards**

**3** An early childhood services program must be operated in a facility that complies with all applicable municipal and provincial public health, safety, fire and building standards.

**Programs, policies**

**4** The operator of an early childhood services program must develop and maintain policies and programs that are consistent with the Minister's early childhood services policies and programs.

**Teachers**

**5** The operator of an early childhood services program may only employ as a teacher an individual who holds a certificate of qualification as a teacher issued under the Act.

**Records**

- 6** The operator of an early childhood services program must
- (a) keep records of enrolment and attendance in a form acceptable to the Minister, and
  - (b) submit to the Minister any other information that the Minister may request.

**Secretary, treasurer, auditor**

- 7** The operator of an early childhood services program must
- (a) appoint a secretary and a treasurer, or one person to act as the secretary-treasurer, for the program, who is neither the chair, nor a trustee, nor the president of the organization, and

- (b) unless exempted by the Minister, appoint a person who is registered and qualified to perform an audit pursuant to the *Regulated Accounting Profession Act* to be the auditor for the program,

and must report their names and addresses to the Minister.

AR 31/2002 s7;245/2007

### **Financial reporting**

**8(1)** The operator of an early childhood services program must submit to the Minister annually on or before November 30, in a form prescribed by the Minister, the original and one copy of the financial statements for the fiscal year ending on the August 31 preceding that date, including, unless exempted by the Minister, an auditor's report signed by the auditor.

**(2)** The operator of an early childhood services program, other than a private ECS operator, must submit to the Minister annually on or before May 31, in a form prescribed by the Minister, the original and one copy of the budget for the fiscal year starting on the September 1 following that date.

**(3)** A private ECS operator must submit to the Minister annually on or before November 30, in a form prescribed by the Minister, the original and one copy of the budget for the fiscal year starting on the September 1 preceding that date.

AR 31/2002 s8;245/2007

### **Insurance**

**9(1)** The operator of an early childhood services program must keep in force a general liability insurance policy or other form of indemnification in an amount that is not less than \$2 000 000 for each occurrence of loss or damage resulting from bodily injury to or the death of one or more persons, and for loss or damage to property, regardless of the number of claims arising from any one occurrence.

**(2)** The policy or other form of indemnification referred to in subsection (1) must provide coverage to the operator for all claims arising from a liability imposed by law on the operator, and from a liability assumed under any agreement entered into by the operator.

**(3)** The operator of an early childhood services program must ensure that in the general liability policy or other form of indemnification referred to in subsection (1), the word "insured" is defined to include

- (a) the named insured, and

- (b) any employee, board member, agent or other person, whether receiving compensation or not, when acting within the scope of that person's duties for the named insured.

**Fidelity bond**

**10** The operator of an early childhood services program must maintain a fidelity bond in an amount acceptable to the Minister that covers the operator and its employees while carrying out duties relating to any money or security belonging to or held by the operator.

**Repeal**

**11** The *Early Childhood Services Regulation* (AR 35/89) is repealed.

**Expiry**

**12** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, this Regulation expires on August 31, 2016.

AR 31/2002 s12;36/2009;231/2012;133/2015





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