

2023 Bill 202

First Session, 31st Legislature, 2 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 202

**EDUCATION (CLASS SIZE AND COMPOSITION)
AMENDMENT ACT, 2023**

MS CHAPMAN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 202

2023

EDUCATION (CLASS SIZE AND COMPOSITION) AMENDMENT ACT, 2023

(Assented to _____, 2023)

HIS 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 Section 18(2)(b) is amended by striking out “adopt or approve goals and standards” **and substituting** “subject to section 18.1, adopt or approve goals and standards”.

3 The following is added immediately after section 18:

Requirement for class size and composition standard

18.1(1) The Minister must, by order and in accordance with this section, approve a standard in respect of each matter referred to in section 50.1(2)(d).

(2) Before approving the standard, the Minister must consider the following:

- (a) each report provided under section 50.1(2);
- (b) each relevant recommendation made by the Commission on Learning Excellence established under section 259.2(2).

Explanatory Notes

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

2 Section 18(2) presently reads in part:

18(2) The Minister may, by order, do the following:

(b) adopt or approve goals and standards applicable to the provision of education in Alberta.

3 Requirement for class size and composition standard.

- (3) The Minister must
- (a) approve the standard within 3 years of the coming into force of this Act, and
 - (b) every 2 years after the standard is approved under clause (a), review and make any amendments to that standard that the Minister considers necessary.
- (4) The Minister must publish the standard on the publicly accessible website of the department administered by the Minister.
- (5) An order made under this section is to be treated as if it was an order made under section 18(2)(b).
- (6) For greater certainty, each provision of this Act that applies to an order made under section 18(2)(b) applies to an order made under this section.

4 Section 30(1)(d) is amended by striking out “Division 7” and substituting “Divisions 7 and 8”.

5 The following is added immediately after section 50:

**Division 8
Class Size and Composition Reporting**

Class size and composition reporting

50.1(1) In this section,

- (a) “class” means a prescribed instructional unit;
- (b) “instructional unit” means each of the following:
 - (i) a group of students;
 - (ii) a group of children enrolled in an early childhood services program;

4 Section 30(1) 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:

(d) in Part 3, sections 31, 32 and 35.1, section 42, except subsection (3), in respect of appeals referred to in section 58.2, and Division 7;

5 Division 8 Class Size and Composition Reporting; Regulations.

(c) “prescribe” means to prescribe by a regulation made by the Minister.

(2) A board must, no later than December 31 of each year, provide the Minister with a report in the prescribed form that includes the following in respect of each school operated by the board and each early childhood services program provided by the board in the school year to which the report relates:

- (a) the number of classes;
- (b) the number of teachers employed;
- (c) the number of educational assistants employed that are of each prescribed category of educational assistants;
- (d) the composition of each class in respect of the following:
 - (i) the number of students or children enrolled in the early childhood services program;
 - (ii) in respect of each specialized support or service that is of a prescribed category of specialized support or service, the number of students or children enrolled in the early childhood services program requiring the specialized support or service;
 - (iii) the number of students or children enrolled in the early childhood services program
 - (A) who are learning English as an additional language, or
 - (B) who are legally eligible for French language educational supports;
 - (iv) the number of teachers assigned to instruct the class;
 - (v) the number of educational assistants referred to in clause (c) that are assigned prescribed duties in respect of the class;

- (vi) any other matter relating to class composition that is prescribed;
 - (e) the number of classrooms;
 - (f) any other related matter that is prescribed.
- (3) Within 30 days of receiving a report from a board, the Minister must publish the report on the publicly accessible website of the department administered by the Minister.
- (4) For the purposes of this section, a reference to a board is considered to include a reference to a person who provides an early childhood services program.

Regulations

50.2 The Minister may make regulations

- (a) prescribing instructional units for the purpose of section 50.1(1)(a);
- (b) prescribing the form of a report for the purpose of section 50.1(2);
- (c) prescribing categories of educational assistants for the purpose of section 50.1(2)(c);
- (d) prescribing categories of specialized supports and services for the purpose of section 50.1(2)(d)(ii);
- (e) prescribing duties of educational assistants for the purpose of section 50.1(2)(d)(v);
- (f) prescribing a matter related to class composition for the purpose of section 50.1(2)(d)(vi);
- (g) prescribing a matter for the purpose of section 50.1(2)(f);
- (h) for the purpose of section 50.1, defining any term that is used but not defined in this Act.

6 The following is added immediately after section 259.1:

Commission on Learning Excellence

259.2(1) In this section, “Commission” means the Commission on Learning Excellence established under subsection (2).

6 Commission on Learning Excellence.

- (2)** The Minister must, in accordance with subsection (3), establish a commission consisting of 9 members appointed for a term of 2 years to make recommendations to the Minister in respect of each of the following:
- (a) class size and composition, including the matters set out in section 50.1(2);
 - (b) the impacts of technology and changing demographics on the provision of education programs under this Act;
 - (c) formulas for determining sufficient funding of education programs under this Act based on the principles of this Act;
 - (d) any other matter prescribed by the Minister.
- (3)** The Minister must establish the Commission no later than
- (a) December 31, 2024, and
 - (b) every 10 years after the date on which the term of the Commission established under clause (a) expires.
- (4)** To fulfill its mandate set out under subsection (2), the Commission must do the following:
- (a) research and analyze information about education programs, including the information set out in the reports provided under section 50.1(2);
 - (b) consult with individuals and organizations representing boards, students and teachers that it considers necessary to fulfill its mandate;
 - (c) submit a report to the Minister containing its recommendations in respect of the matters set out in subsection (2).
- (5)** In carrying out its duties, the Commission may do any of the following:
- (a) request from the Minister any information or data in the custody of the Minister that the Commission requires to make its recommendations;

- (b) receive and hear submissions from individuals or groups relating to the Commission's mandate;
 - (c) publish, in its report to the Minister, a summary of the submissions referred to in clause (b).
- (6)** The Commission must provide its report to the Minister within 2 years of its establishment under subsection (2).
- (7)** The Minister may, in respect of a member's appointment under subsection (2), set out each of the following in the member's appointment:
- (a) the amount of remuneration that may be paid to the member;
 - (b) each type of expense for which the member may be reimbursed.
- (8)** The Minister may make regulations prescribing matters for the purpose of subsection (2)(d).

