

# Bill 85: EDUCATION (STUDENTS FIRST) STATUTES AMENDMENT ACT, 2021

Safety for students | Confidence for parents | Accountability for teachers

## About the Act

Alberta's government has introduced Bill 85: the *Education (Students First) Statutes Amendment Act, 2021*, to elevate the status of the teaching profession across Alberta by improving transparency and increasing accountability.

If passed, Bill 85 would provide parents with additional confidence in their children's safety while at school and streamline disciplinary processes for the teaching profession in Alberta.

## Background

Alberta's education system has excellent teachers, leaders, and superintendents, who are highly valued and critical to ensuring the continued success of our students. These teachers and teacher leaders are part of a regulated profession that expects and upholds high standards of professional practice and conduct.

In 2019, enhancements were made to the teaching profession including the introduction of professional practice standards for principals and superintendents that were accompanied by new certificate requirements for teacher leaders in Alberta, along with a revised standard for teachers.

The *College of Alberta School Superintendents (CASS) Act* will also come into effect upon proclamation when CASS will be granted legislated status as a professional organization and CASS will assume authority over its regulated members' discipline.

Bill 85 would further address gaps, issues and inconsistencies in Alberta's system of oversight and discipline for teachers and teacher leaders.

## More transparency with public reporting

If passed, Bill 85 would increase transparency around disciplinary issues with the creation of an online registry for Alberta-certificated teachers and teacher leaders and a requirement for regular criminal record and vulnerable sector checks.

## Public online registry

A public online registry would ensure greater transparency and support public confidence by sharing information on the professional standing of a teacher or teacher leader.

Information would be posted 60 days after the Minister renders a decision to suspend or cancel a certificate once the judicial review period involving these matters is complete. This legislation would also reduce the window for judicial review of disciplinary decisions from six months to 60 days, bringing it in line with other jurisdictions such as British Columbia.

All certificates dating back to 1954 would be included in the online registry, while suspended and cancelled certificates will date back to 1990.

The online registry would be operated and maintained by the Office of the Registrar at Alberta Education. The registry would be searchable and include:

- the names of all Alberta certificated teachers and teacher leaders who currently hold a certificate, and
- the type of certificate(s) held by the teacher or teacher leader (teaching, leadership and superintendent).

Exemptions **for certificated teachers and teacher leaders** would be considered on a case by case basis and information would **not** be published in specific circumstances:

- where publishing this information is not in alignment with another enactment in Alberta or Canada, or
- where an order is issued by a court, or
- when doing so could cause injury or hardship to a person.

If the certificate has been suspended or cancelled since 1990, it would also include the following information:

- The date the certificate(s) was issued, suspended or cancelled, and date of when it may be reinstated if applicable.

- Whether the certificate(s) was cancelled for unprofessional conduct and/or professional incompetence.
- A summary of the disciplinary matter and full copies of decisions. The identity of others who may have been involved in the matter will not be disclosed.

Exemptions for **suspended or cancelled certificates** would be considered on a case by case basis and information would **not** be published in circumstances where the publication of summaries of disciplinary proceedings and copies of decisions where a certificate is suspended or cancelled may cause injury or hardship to any person, other than the teacher or teacher leader whose certificate has been suspended or cancelled for unprofessional conduct or professional incompetence.

### Record checks

To ensure students and other staff are protected, Bill 85 would implement a requirement for school authorities to obtain a criminal record and vulnerable sector check when hiring a teacher or teacher leader, and again every five years while the teacher or teacher leader remains employed by a school authority.

Currently, the Registrar at Alberta Education requires all applicants for teacher certification to complete a self-disclosure document and criminal record and vulnerable sector check as part of the application process before entering the teaching profession. This information assists the Registrar in making an informed decision regarding whether or not to issue a certificate.

This requirement would continue, and would be supplemented by the new requirement for employing school authorities to obtain these checks upon hiring and again every five years, as an added layer of protection for our students and staff.

After reviewing the information, employing school boards must be satisfied that the results of the checks show that the teacher or teacher leader continues to be suitable for employment.

In some uncommon circumstances where a criminal record or vulnerable sector check is not possible, the teacher or teacher leader must provide acceptable evidence that they are suitable to be employed in the role.

If passed, the Bill would also extend this requirement to Early Childhood Service operators established under the *Education Act*.

Teachers and teacher leaders already employed in Alberta school authorities who have not provided a check within the past five years would be required to provide a current criminal record and vulnerable sector check once the legislation comes into force.

To assist employers with this transition, teachers and teacher leaders already employed would have 16 months to complete this requirement. This timeframe would help ensure employing school authorities and police agencies across Alberta are not overwhelmed with requests, and is intended to ensure no disruption to other Albertans seeking similar checks.

## Improving oversight and timeliness of disciplinary matters

### Expedited discipline process

Currently, it is mandatory to hold full hearing proceedings when teachers or teacher leaders are confirmed to have been convicted of serious offences under the *Criminal Code* of Canada. In many cases, the individual has no intention of returning to the classroom.

Bill 85 would introduce an expedited discipline process in situations where a teacher or teacher leader is convicted of serious offences under the *Criminal Code* of Canada. Prescribed offences from the *Criminal Code* that apply to the expedited process would be identified through regulation and will be communicated at a later date.

This would save time and resources by permitting the Minister an alternate option to move directly to certificate cancellation, while maintaining procedural fairness. The teacher or teacher leader would have 15 days to respond to the Minister's intent to use the expedited process and share any relevant information they wish the Minister to consider. The Minister would still make the final decision to cancel a certificate(s) or to send the matter to a full hearing.

### Requirement to notify the Registrar

The proposed Bill would also introduce a requirement for the Alberta Teachers' Association (ATA) to notify the Registrar at Alberta Education of all complaints filed against teachers and teacher leaders, and at various stages during the complaint process. This would ensure alignment of the complaints and investigation processes between the ATA and CASS as set out in the *CASS Act*.

This would keep Alberta Education informed and ensure accountability by providing government access to the most up-to-date information on all disciplinary issues.

While the Registrar would be advised of all complaints as they are received by the ATA and CASS, only those that result in the imposition of a suspension or cancellation of a teacher or teacher leader's certification, would be reported on the public database.

### **Streamline the disciplinary committee structure**

Bill 85 would streamline the ATA's disciplinary committee structure, as established under the *Teaching Profession Act*, to make the ATA's teacher disciplinary process more efficient and effective.

Proposed changes would see the ATA's disciplinary committee structure for the teaching profession move from six committees to a general panel to hear matters through three committees, with members being appointed to a committee as needed.

Members from the general panel, who serve on a hearing committee for a matter, cannot serve on an appeal committee for the same disciplinary matter.

Public members would be appointed by the Minister through Ministerial Order to align with the *CASS Act* and *Practice Review of Teachers and Teacher Leaders Regulation*.

Teacher members would be appointed to the general panel by the ATA, along with chairs and vice-chairs who would be responsible for establishing hearing and appeal committees when needed.

The updated governance structure for the general panel and disciplinary committees would parallel one another across the education system, under the *Teaching Profession Act*, *CASS Act* and regulations made under the *Education Act* such as the *Practice Review of Teachers and Teacher Leaders Regulation*.

### **Next steps**

Upon proclamation of Bill 85, the *Education (Students First) Statutes Amendment Act, 2021*, amendments would be made to the *Education Act*, *College of Alberta School Superintendents Act*, *Teaching Profession Act* and related regulations that would also require amendments.