

# Bill 15: The Education (Reforming Teacher Profession Discipline) Amendment Act, 2022

## About the Act

Bill 15, *The Education (Reforming Teacher Profession Discipline) Amendment Act*, would establish a new professional discipline model under the *Education Act*. Bill 15 would amend both the *Education Act* and the *Teaching Profession Act*. The proposed bill would also amend and proclaim sections of the *Students First Act* and the *College of Alberta School Superintendents Act (CASS Act)*. The newly proposed model for professional discipline in Bill 15 would ensure all teachers and teacher leaders (including superintendents) in Alberta are subject to the same disciplinary system under an arm's-length Commissioner model.

A new model for teacher and teacher leader professionalism, overseen by the Alberta Teaching Profession Commissioner, would bring Alberta in line with comparable provinces and other regulated professions where an arm's-length organization oversees disciplinary matters. By aligning Alberta's processes with best practices used in other jurisdictions and professions in Canada, Albertans can be assured that the new model would further protect students and enhance accountability and transparency within the teaching profession.

Bill 15 continues building on the Alberta government's recent work to strengthen the teaching profession. Important previous steps have included:

- Introducing new [professional practice standards](#) for the teaching profession and new [leadership certifications](#) (2019);
- Establishing the College of Alberta School Superintendents as a [legislated professional organization](#) (spring 2021); and
- Passing the [Students First Act](#) (fall 2021).

## Background

The teaching profession is regulated. Once a certificate of practice is issued by the Minister of Education, this professional designation gives teachers and teacher leaders (like principals and superintendents) the right to practice in the profession, while also upholding high standards of professional practice and code of conduct expectations.

Current legislation requires the Alberta Teachers' Association (ATA) to oversee the discipline process of its active members, while also assuming legislated responsibility as the teachers' collective bargaining agent responsible for protecting the interests of its members. There has been a long-standing concern that these opposing interests do not serve the best interests of students or the teaching profession.

Alberta is the only Canadian province where the teachers' union has the sole responsibility for overseeing complaints of alleged unprofessional conduct and professional incompetence filed against their union members that question a teacher's suitability to hold a teaching certificate. The only way to address such complaints is through the ATA. In all other provinces and territories, the teachers' union that represents the interests of their members does not have sole responsibility for overseeing the professional disciplinary process impacting certification; and in some circumstances may choose to represent the interests of their union members during disciplinary hearings.

Many professions within Alberta have professional regulatory organizations that oversee matters of professional discipline for their members. These organizations are self-regulated and where they are part of a union, they do not oversee matters of professional discipline that could result in consequences for the member's licence to practice.

The Alberta government is responsible for ensuring the safety of students and public interest in Alberta's education system. This includes reviewing any potential conflicts of interest in legislation governing matters of discipline in the teaching profession.

The majority of teachers and teacher leaders are caring and dedicated professionals. As such, the removal of discipline responsibilities from the ATA would not affect the vast majority of teachers, as they will never have to go through a disciplinary process. If anything, this change in responsibility provides members with the assurance that their best interests are being protected by their collective bargaining organization, and would ensure procedural fairness by removing any potential of bias.

## Current Discipline Model

Alberta currently uses a dual-system model of teacher discipline that depends on an individual's employment:

- The ATA serves as the collective bargaining agent for teachers and some teacher leaders (principals), while it also oversees the disciplinary process for its active members.
- The Registrar (Alberta Education) oversees the disciplinary process for teachers and teacher leaders in independent schools, First Nations schools, public charter schools, as well as for superintendents and other central office teacher leaders who are not active members of the ATA and those who have left the profession.

More information on current models: [Improving teacher discipline](#)

## New Arms-Length Commissioner Model for Discipline

The Alberta Teaching Profession Commissioner would oversee complaints for all teachers and teacher leaders using one legislated structure regardless of membership in the ATA, CASS and their employing school or school authority.

Under *The Education (Reforming Teacher Profession Discipline) Amendment Act*, the same professional discipline process would apply equally to all teachers and teacher leaders, whether they are members of the ATA, the College of Alberta School Superintendents (CASS) or employed in an independent, public charter or First Nations school or early childhood service program established under the *Education Act*.

## Proposed Discipline Process

1. Alberta Education's Registrar would receive a complaint about a matter of unprofessional conduct or incompetence.
  - Complaints about professional incompetence would be filed up to two years after the alleged incompetence occurred.
  - Complaints about unprofessional conduct would have no statute of limitation.
2. The Alberta Teaching Profession Commissioner ("Commissioner") would have the authority to address and investigate the complaint.
3. The Commissioner would review and investigate the matter and could:
  - initially dismiss the complaint,
  - recommend a penalty under an expedited process to cancel a certificate for serious unprofessional conduct related to a conviction by indictment under the *Criminal Code* (Canada), that threatens student safety or the public,
  - enter into a consent-resolution agreement, whereby the teacher or teacher leader admits to unprofessional conduct or professional incompetence, and the teacher or teacher leader, Commissioner and Registrar collectively agree on a penalty to recommend to the Minister,
  - enter into a dispute resolution process where the teacher or teacher leader's actions do not warrant an investigation or hearing,
  - consider a mediation process to try and resolve the complaint with the parties, or
  - refer the matter to a hearing.
4. If the Commissioner determines the case warrants a hearing, a hearing is conducted by a committee. The committee may dismiss the case or recommend a penalty to the Minister of Education for a finding of unprofessional conduct or professional incompetence.
  - Hearing and appeal committee proceedings must be open to the public. Hearing and appeal dates will be posted publicly.
5. As is currently the case under the *Education Act*, the Minister will have the final decision on the case and may issue a penalty for unprofessional conduct or professional incompetence, such as a letter of reprimand; suspension or cancellation of a certificate, with or without conditions (definitely or indefinitely) or issue a different type of certificate.

## Streamlined Committee Structure

The discipline committee structure uses the streamlined process introduced in 2019 in the Practice Review of Teachers and Teacher Leaders Regulation, under the *Education Act*. The legislation introduces the Professional Conduct and Competency General Panel – a single roster from which hearing and appeal committees would be formed as needed.

General panel members would include a variety of teachers and teacher leaders, and public members. Hearing and appeal committee structure would also be set out in regulation.

## Reporting to Police

Bill 15 would also introduce new requirements for key individuals in the education system (Registrar, Commissioner, superintendents, board chairs, operators of independent schools or early childhood services programs, ATA or CASS) who would be required to report to police where there may have been serious harm or a threat to student safety caused by a teacher or teacher leader. Documentation of this requirement would be managed through the Registrar's Office to prevent duplicate reporting.

This would strengthen the duty to report requirements within the education system similar to the type of reporting requirements already set out in legislation under the *Child, Youth and Family Enhancement Act*.

## Duty to Report

Bill 15 would expand the duty to report section to notify the Registrar when conduct-related employment action is taken against a teacher or teacher leader and the requirement to file a complaint.

In addition, ATA and CASS would notify the Commissioner if a member's status is suspended or cancelled in their organizations.

## Enhanced Online Teacher Registry:

The online teacher registry established under the *Students First Act* would be further expanded. Bill 15 would make publicly available all hearing, appeal and Minister's decisions where there is a finding of unprofessional conduct or professional incompetence.

The online teacher registry would also make publicly available any signed consent-resolution agreements initiated by the new Alberta Teaching Profession Commissioner.

## Single Code of Conduct

Bill 15 would enable the introduction of a single code of conduct that applies to all teachers and teacher leaders, regardless of where they are employed.

Currently, ATA members are subject to a [Code of Professional Conduct](#) established by the ATA under the *Teaching Profession Act*. Other teachers, such as those in independent, First Nation or public charter schools, as well as superintendents and other system leaders, are subject to the [Professional Conduct Requirements for Teachers and Teacher Leaders](#) under the *Education Act*.

While the two existing codes are similar, moving to a single code of professional conduct would ensure all teachers and teacher leaders are subject to the same expectations in a single, fair, consistent process.

## College of Alberta School Superintendents Act

CASS will continue to be recognized as a professional organization upon proclamation of sections of the *College of Alberta School Superintendents Act*.

Superintendents, deputy superintendents and other teacher leaders employed in central office positions in public, separate, public charter and francophone schools and regional authorities who have elected out of active membership in the ATA will be required to hold regulated membership status in CASS.

Regulated members will be required to meet continuing education requirements set by CASS that will align with the provincial *Leadership Quality Standard* and *Superintendent Leadership Quality Standard*, established by Ministerial Order. CASS would not assume responsibility for oversight of disciplinary complaints filed against its regulated members given the proposed changes introduced in Bill 15.

## Ensuring a Smooth Transition

Transitional regulations would ensure a smooth shift from the current system of teacher and teacher leader professionalism to the new Commissioner model.

For discipline matters that are underway when the new Act takes effect, transitional regulations will allow, throughout the first half of 2023, for matters to continue in accordance with the rules under which they were started. During this transitional period, the responsibilities would shift, where appropriate, to the Commissioner, and newly appointed members of hearing and appeal committees, but the previous rules will be followed. This will allow for procedural fairness while also ensuring an efficient transition into a fully operational single model for teacher and teacher leader professionalism in Alberta.

To further ensure a smooth transition, the timelines for proclamation of Bill 15 would vary. Consequential amendments to the *CASS Act* and *Students First Act* for non-operational provisions would come into force upon royal assent. These items deal primarily with consequential changes such as the discipline process under the *CASS Act* that would not be enabled.

Regulatory work for transitional provisions and remaining details for the proposed model would commence in spring 2022.

The new proposed disciplinary model set out under the direction of the Alberta Teaching Profession Commissioner would come into force on January 1, 2023.

## Expected Outcomes

If implemented, the proposed changes in Bill 15 would:

- increase accountability and public assurance in the system;
- help ensure Alberta continues to have excellent teachers and teacher leaders;
- ensure student safety and public interest;
- elevate the status of the teaching profession by removing any perception of conflict of interest; and
- provide a consistent, effective and efficient and process, under the Commissioner's direction, that governs matters of discipline for the teaching profession, regardless of employer.