

## Changes to the *Teaching Profession Act* and Bylaws of the BC College of Teachers

In the Summer 2004 edition of *NewsLink*, we provided a summary of Bill 55, *Teaching Profession Amendment Act, 2004* and an overview of the BCTF response/reaction to it. Since then, the members of the BCTF voted in favour of paying their fees to the BC College of Teachers for the 2004-05 school year. The teachers have agreed however, to only pay the fee on an interim basis as the BCTF continues to “pursue changes to ensure the professional body's independence.”

The following chart serves as a summary of the legislation, as well as changes to bylaws and policies that resulted from the legislation, and sets out some of the consequences for employers.

<i>Teaching Profession Act (TPA) / Bylaws Prior to May 2003</i>	<i>Teaching Profession Act / Bylaws After May 2004</i>	<b>Implications for Employers</b>
1. Council was 20 persons with 15 elected from the membership and 5 appointed by government.	<ul style="list-style-type: none"> <li>▪ Council is 20 persons with 12 elected from the membership and eight appointed by government.</li> <li>▪ Of the eight members appointed by government, three must be members of the College.</li> </ul>	For your information
2. Certification and membership were separate. Certificate holders could choose to be members.	<ul style="list-style-type: none"> <li>▪ Certification and membership are one and the same. A person is not able to hold a certificate unless he/she is a member of the College.</li> <li>▪ All certificate holders became members of the College in May 2004. In order to keep their certificates and remain members of the College, they must pay fees each year. This means that all certificate holders share equally in the costs of running the College.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Prior to May 2004 people who held a certificate could hold a certificate without having to pay membership fees to the College. For example, certificate holders could teach in independent schools without membership in the College.</li> <li>▪ Prior to May 2004, anyone employed where membership was not required or who retired or quit working as an educator could opt not to</li> </ul>

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	<ul style="list-style-type: none"> <li>▪ Those who allow their certificates to be cancelled for non-payment of fees but who wish to continue as members, must reapply to the College and be evaluated under the current bylaws and policies.</li> </ul>	<p>pay fees for membership and still continue to hold a certificate.</p> <ul style="list-style-type: none"> <li>▪ The change in 2004 means that all those certificate holders who wish to continue to hold a certificate must also be members of the College. Failure to maintain membership will result in termination of a certificate.</li> <li>▪ Consequences for employers flow from section 19 of the <i>School Act</i> that requires all educators to hold a valid certificate. If teachers and administrators are payroll deducted, their fees must be paid in a timely fashion or they will no longer hold a certificate.</li> <li>▪ At the moment, there is no provision for reinstating a certificate if the fees are not paid. An individual would have to apply for a new certificate, undergo a new criminal record check and meet the current standards.</li> </ul>
<p>3. The membership year of the College was September 1 – August 30. Fees were due on September 1 of each membership year but could be paid until November 30 of each year. Though membership was suspended in December, fees could still be paid by December 31 without penalty. This yearly structure allowed many educators to work for up to four months a year without being members of the College, which is in violation of section 19 of the <i>School Act</i>.</p>	<ul style="list-style-type: none"> <li>▪ A bylaw amendment changed the certificate year of the College to July 1 to June 30.</li> <li>▪ Fees are due on May 31 for the <b>upcoming</b> certificate year. Fees not paid by June 30 will result in suspension of a certificate.</li> <li>▪ Fees can still be paid during July provided the late fee is also paid.</li> <li>▪ Certificates of individuals who have not paid the fee plus a late fee will be cancelled on August 1 of each certificate year.</li> <li>▪ This timeline prevents the violation of the School Act by ensuring that no</li> </ul>	<ul style="list-style-type: none"> <li>▪ The timelines for payment have been shortened. Districts will need to ensure that all fees are deducted and received by the College by June 30 of the year <b>preceding</b> the certificate year.</li> <li>▪ Individuals who have not paid by June 30 will be subject to suspension and must pay a late fee. Individuals who have not paid by July 31 of each year will have their certificates cancelled.</li> <li>▪ Individuals who are payroll deducted for the following year but who retire or otherwise do not</li> </ul>

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	educators can work if they are not members.	<p>work in that year must contact the College in writing for a refund should they wish to change their certification status to non-practising. Alternatively, a certificate holder can allow their certificate to be cancelled for non-payment of fees.</p> <ul style="list-style-type: none"> <li>▪ All practising certificate holders (see #4 below) can pay their certificate fees online on the College website, <a href="http://www.bcct.ca">www.bcct.ca</a></li> </ul>
4. All memberships in the College were the same and did not distinguish between practising and non-practising..	A bylaw amendment has allowed for two types of membership in the College – practising and non-practising.	<ul style="list-style-type: none"> <li>▪ Individuals not actively <b>employed</b> in the BC K-12 system or who are not employed in BC in a way that makes use of the certificate, are provided with a less expensive option for maintaining membership.</li> <li>▪ This option is called the <b>non-practising fee</b> and is <b>one-half the practising fee.</b></li> <li>▪ There should be no payroll deductions for non-practising fees. They must be paid directly to the College.</li> </ul>
5. Individuals on long-term disability could receive an exemption from the membership fee.	A policy amendment made in October 2004 allows those on long-term disability as well as those who are in receipt of a pension to pay a fee of \$0.00.	<ul style="list-style-type: none"> <li>▪ The only individuals who are employed by boards who pay a fee of \$0.00 are those on long-term disability.</li> <li>▪ Others on other forms of leave, such as parental leave or educational leave, pay the full practising fee.</li> <li>▪ Teachers-on-call pay the full practising fee.</li> </ul>

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6. Council members were elected for two-year terms with half being elected in one year and half in the next year.	<ul style="list-style-type: none"> <li>▪ Council members will serve three-year terms with one-third of the elected positions contested each year.</li> <li>▪ The College must hold elections in four of the 12 zones in the spring of 2005.</li> <li>▪ The call of the election must take place before March 31, 2005.</li> </ul>	The time for which an employee may be seconded has increased but will continue to be arranged on an annual basis.
7. Persons who were appointed to Council had to sign an oath of “loyalty” to the College and the <i>Teaching Profession Act</i> and declare any potential conflicts of interest. Elected Council members were not required to do so.	<ul style="list-style-type: none"> <li>▪ Persons who are elected to Council will also now have to take and sign an oath of office though they do not have to declare any potential conflicts of interest.</li> <li>▪ The Oath must be done before a judge of the Court of Appeal, Supreme Court or Provincial Court, a justice of the peace, the secretary treasurer of a school board or the registrar of the college within 45 days of election.</li> <li>▪ Incoming Council members who refuse to take the oath will not be allowed to assume office as Council members.</li> </ul>	For your information
8. Council had no authority to reprimand a Council member.	The Council, by a vote of 2/3 of other Council members, can reprimand, suspend or remove a member from the Council if they contravene the oath of office.	For your information
9. While the TPA required reporting from boards or authorities on conduct or competence issues, it did not specifically provide for a complaint process for the public.	<ul style="list-style-type: none"> <li>▪ A new avenue of complaints called the person complaint process was created by the TPA.</li> <li>▪ This process allows members of the public and the profession to complain to the College about the conduct of members but not about the competence of members.</li> </ul>	<ul style="list-style-type: none"> <li>▪ While the College encourages persons who complain to attempt to resolve issues at the school and district level, it cannot require them to do so.</li> <li>▪ From June 2003 until December 2004, the person complaint process has resulted in <ul style="list-style-type: none"> <li>○ 73 complaints</li> <li>○ 40 were stopped by the Registrar,</li> <li>○ five were disposed of through no further</li> </ul> </li> </ul>

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		action, <ul style="list-style-type: none"> <li>○ 14 are being investigated,</li> <li>○ one is being referred to the Preliminary Investigation Sub-Committee (PISC), and</li> <li>○ 13 are pending and awaiting initial consideration.</li> </ul> <ul style="list-style-type: none"> <li>▪ To date, no person complaint has proceeded to the citation or hearing stage.</li> </ul>
10. All sub-committees of the College must be composed of members of Council.	<ul style="list-style-type: none"> <li>▪ In certain situations the Council may appoint a non-Council member of the College to a sub-committee such as a discipline hearing panel.</li> <li>▪ The appointments are made only for a specific purpose and time.</li> </ul>	For your information
11. The College had the duty to approve teacher education programs, both new and on-going.	<ul style="list-style-type: none"> <li>▪ Currently a Letter of Understanding between the College and the eight BC Faculties of Education with teacher education programs governs how the Faculties recommend their graduates to the College for certification.</li> <li>▪ The Letter of Understanding is based on the <i>Standards for the Education, Competence and Professional Conduct of Educators in British Columbia (Standards)</i>.</li> <li>▪ The Letter of Understanding is being piloted over the next 18 months.</li> <li>▪ All other teacher education programs will be reviewed under the formal approval process.</li> </ul>	The College will be looking for feedback from all partner groups, including school boards. The College has the duty to ensure that it issues a teaching certificate only to those persons who are adequately prepared to work in BC classrooms.

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12. Prior to 2003, the TPA was silent on the duty of the professional educator to report on the perceived misconduct of another member.	<ul style="list-style-type: none"> <li>▪ The current TPA requires members to report perceived misconduct of another member to the College.</li> <li>▪ The relevant circumstances in which reporting is required are specified in the TPA.</li> </ul>	Employers, as well as teacher education programs and the College, have a responsibility to ensure that their staff understand this requirement.
13. Council made all qualifications appeals and membership decisions as well as decisions regarding penalty and publication of names in discipline decisions.	<ul style="list-style-type: none"> <li>▪ The TPA now authorizes these decisions to be made by the sub-committee that hears the case.</li> <li>▪ College bylaws have been changed to provide for this.</li> </ul>	For your information
14. Previously PISC had no authority to attempt to resolve a serious matter other than to issue a citation and hold a formal hearing.	<ul style="list-style-type: none"> <li>▪ The bylaws now provide for 2 new alternate dispute resolutions processes.</li> <li>▪ PISC has been given the authority to identify appropriate cases for consent resolution.</li> <li>▪ A Conduct Review Sub-Committee may also be established to dispose of a citation where there is consent on all issues.</li> <li>▪ This allows for timely and cost effective disposition of cases.</li> </ul>	For your information
15. Prior to 2003, the Council had not developed written standards for the profession.	<ul style="list-style-type: none"> <li>▪ The Council approved the Standards in October 2003 and revised them in May 2004.</li> <li>▪ The Standards include 10 categories that relate to the education and competence of members and 3 that relate to the conduct of members.</li> </ul>	The College anticipates that school boards will work with the College in the further evolution of the Standards.

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16. Prior to 2003, the Council had not addressed the issue of continuing education for professional educators.	<ul style="list-style-type: none"> <li>▪ The Council adopted a bylaw to establish a program of continuing education. <i>“The College will establish policies for the continuing education of members.”</i></li> <li>▪ The bylaw is currently under notice of motion which will change the wording. <i>“The College may establish policies to encourage members to engage in on-going professional development.”</i></li> </ul>	The College will be looking for feedback and recommendations from all partner groups, including school boards, regarding the extent and nature of continuing education that will support professional growth for members.