

GOVERNMENT TAKEOVER OF REGULATION OF TEACHERS' PROFESSIONAL CONDUCT AND PRACTICE

ISSUE

On January 1, 2023, the Teaching Profession Commissioner will be assuming responsibility for the professional regulation of teachers and the enforcement of a Code of Professional Conduct and Practice that will be set by the minister of education.

BACKGROUND

- The proclamation of Bill 15, the *Education (Reforming Teacher Profession Discipline) Amendment Act*, on May 31, 2022, set into motion a process for creating the office of the Alberta Teaching Profession Commissioner to oversee teacher and teacher leader conduct and competency complaints for the profession.
- Effective January 1, 2023, all new complaints about alleged unprofessional conduct or practice must be directed to the Teaching Profession Commissioner.
- The Association will complete hearings initiated prior to January 1, 2023. Investigations initiated and already under way under the auspices of the Association prior to that date will be completed by the Association, with reports turned over to the commissioner for further action if and as she determines. Where a complaint has been received before January 1, 2023, but a preliminary inquiry, preliminary investigation or investigation has not been initiated, responsibility will be transferred to the commissioner in accordance with a complex transition process set out in regulations. The Association is to complete all outstanding investigations by June 30, 2023, although extensions may be granted by the commissioner.
- The government's regulatory processes will apply to all certificated teachers in the province, including teachers, school leaders, central office staff and superintendents in public, separate, francophone, charter, and private schools and systems. They will be subject to a new Code of Professional Conduct and Practice that, at the beginning of November 2022, was still being developed but must be in place on January 1, 2023.
- The government's process is subject to political interference. The commissioner is not independent of the Department of Education, and decisions made by a hearing panel will be reviewed and can be unilaterally overturned by the minister of education.
- Effective January 1, 2023, the Association will be assisting and representing its active members who are the subjects of investigations, alternative resolution processes or hearings administered by the commissioner in order to ensure that they are treated fairly and in accordance with principles of natural justice and administrative law. The scope and nature of Association assistance provided to members will be determined on a case-by-case basis.

KEY MESSAGES

There remains much uncertainty and legitimate concern about the professional regulatory processes and the Code of Professional Conduct and Practice that will be instituted by the government after January 1, 2023.

The Association has passed interim policy and will be developing processes and capacity to ensure that the rights of its members who are subject to the government's processes are appropriately protected.

After January 1, 2023, teachers who are advised that they are the subject of a conduct or practice complaint should contact the Association without delay for advice and support.