

No. 76

5th Session, 14th Legislature, Alberta
11 Elizabeth II

BILL 76

A Bill to amend The Teaching Profession Act

HON. MR. AALBORG

Explanatory Note

2. Section 2 is amended to clarify the meaning of the terms used in the Act. Clause (f) presently reads:

“(f) “secretary” means secretary, secretary-treasurer or the general secretary-treasurer of the association;”.

3. Section 3 is amended to give the association the power to acquire real property.

BILL

No. 76 of 1963

An Act to amend The Teaching Profession Act

(Assented to _____, 1963)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Teaching Profession Act*, being chapter 331 of the Revised Statutes, is hereby amended.

2. Section 2 is amended

(a) by adding the following clause immediately after clause (a):

(a1) "by-laws" means the by-laws of the association;

(b) by adding the following clause immediately after clause (c):

(c1) "executive secretary" means the chief executive officer of the association;

(c) by striking out clause (f) and by substituting the following:

(f) "school board" means the board of trustees of a school district or a school division, the council of a county or the council of a city or town operating under *The Municipal and School Administration Act*.

3. Section 3 is amended by adding the following subsection:

(3) The association may acquire by gift, purchase or otherwise, and may sell, mortgage, lease or otherwise dispose of real and personal property, for the purpose of carrying into effect and of promoting the objects and designs of the association.

4. Section 4 is amended to clarify the objects of the association. Clauses (b), (c), (d) and (e) of section 4 presently read:

- "4. The objects of the association shall be
.....
(b) to raise the status of the teaching profession
 (i) by initiating and promoting research in methods of arousing interest in presentation of teaching the various subjects of the curriculum, and
 (ii) by establishing research libraries and circulating libraries of books, treatises and papers designed to assist the teacher in the class room,
(c) to promote and advance the interests of teachers and to secure conditions that will make possible the best professional service.
(d) to arouse and increase public interest in educational affairs, and
(e) to co-operate with other teachers' organizations in Canada and elsewhere and having the same or like aims and objects."

5. Section 5 broadens the present provision requiring a school board to hire only active members of the association as teachers. Section 6 is revised to provide for 5 classes of membership and to expand the list of persons eligible to become associate members presently contained in section 7, and provides for honorary, life and student membership. Section 7 contains new provisions describing the rights of the various kinds of members. The composition of the association presently described in section 8 is described in section 6 of this clause. Section 8 is repealed. Sections 5, 6, 7 and 8 presently read:

"5. (1) All persons carrying on the profession of teaching in any institution of the Province that is supported by provincial or municipal taxation and that maintains a department for giving instruction in the courses of study prescribed for elementary, secondary, or technical schools under the jurisdiction of the Department of Education, shall, as a condition of their employment or continued employment, be members of the association.

(2) Notwithstanding subsection (1), when a teacher enters upon any contract of engagement with the board of trustees of any school division in the Province, the teacher shall give notice forthwith in writing to the secretary of the association of the date of his proposed employment and the remuneration agreed upon, and in such case the board of trustees may employ the teacher until the association notifies it in writing that the teacher is not a member.

6. The following persons are eligible for membership in the association,

- (a) members of the faculty of the University of Alberta,
- (b) teachers in any provincial school of technology,
- (c) teachers in any school of agriculture,
- (d) teachers in any other educational institution of the Province, and
- (e) unemployed teachers.

4. Section 4 is amended by striking out clauses (b), (c), (d) and (e) and by substituting the following:

- (b) to improve the teaching profession
 - (i) by promoting and supporting recruitment and selection practices which ensure capable candidates for teacher education,
 - (ii) by promoting and supporting adequate programs of preservice preparation, internship and certification,
 - (iii) by promoting the establishment of working conditions that will make possible the best level of professional service,
 - (iv) by organizing and supporting groups which tend to improve the knowledge and skill of teachers,
 - (v) by meetings, publications, research and other activities designed to maintain and improve the competence of teachers, and
 - (vi) by advising, assisting, protecting and disciplining members in the discharge of their professional duties and relationships,
- (c) to arouse and increase public interest in the importance of education and public knowledge of the aims of education, financial support for education, and other education matters, and
- (d) to co-operate with other organizations and bodies in Canada and elsewhere having the same or like aims and objects.

5. Sections 5, 6, 7 and 8 are struck out and the following sections are substituted:

5. (1) Subject to this section the employment of a teacher by a school board, other than as a superintendent, is conditional upon the teacher being and continuing to be an active member of the association.

(2) When a school board employs a teacher, other than as a superintendent, the board shall notify the association in writing of the name of the teacher, the date of commencement of employment and the amount of salary to be paid, and notwithstanding subsection (1), the employment of the teacher by the school board is valid until the association notifies the school board in writing that the teacher is not an active member.

(3) When a teacher who is employed by a school board, other than as a superintendent, ceases to be an active member, the board may continue to employ the teacher until the association notifies the board in writing that the teacher is not an active member.

6. (1) The membership of the association is composed of active, associate, life, honorary and student members.

7. (1) A member who is not the holder of a valid, permanent certificate of qualification as a teacher from the Minister and who has had less than two years' experience in teaching shall be known as an associate member and has the same rights, privileges and benefits and is subject to the same limitations and restrictions as other members.
- (2) Notwithstanding subsection (1), an associate member is not eligible
- (a) for election as a member of the executive council, or
 - (b) for election or appointment as a member of any committee or board of the association dealing with discipline, training or certification of teachers or dealing with courses of study for schools operating under the jurisdiction of the Department.
8. The association shall consist of a federation of local associations and members at large."

6. Clause (f) of section 9 is amended to allow standards of professional conduct and a discipline committee to be established by by-law. Matters of discipline and the expulsion and suspension of members are now contained in revised section 16. See clause 10 of this Bill.

(2) Only teachers who are employed by school boards, other than as superintendents, may be active members of the association.

(3) The following teachers are eligible to become associate members by applying personally and by paying the prescribed fee:

- (a) superintendents of schools employed by school boards;
- (b) teachers employed by the Department;
- (c) members of the Faculty of Education of the University of Alberta and teachers engaged in teacher education in any of its affiliated colleges within the Province;
- (d) teachers in provincially operated schools of technology, schools of agriculture, schools for handicapped children or correspondence schools;
- (e) teachers in private schools or kindergartens;
- (f) unemployed teachers;
- (g) teachers pursuing further studies on a full-time basis;
- (h) retired teachers.

(4) The association may grant life memberships to retired teachers under such conditions as may be prescribed by by-law.

(5) The executive council may confer honorary membership in the association on any person.

(6) Students who are enrolled in full-time courses of study above high school level either leading to or after first certification as teachers in the Province may become student members of the association under such conditions as may be prescribed by by-law.

7. (1) Active members have the right to vote and to hold office in the association and are subject to the provisions of this Act and the by-laws.

(2) Associate members have the right to vote and to hold office in the association but are not subject to the disciplinary provisions contained in this Act or the by-laws.

(3) Life, honorary and student members do not have the right to vote or to hold office in the association and are not subject to the disciplinary provisions contained in this Act or the by-laws.

6. Section 9 is amended by striking out clause (f) and by substituting the following:

- (f) standards of professional conduct, a code of ethics and the establishment of a discipline committee and the discipline of members for breaches of such standards, and

7. Section 12 presently reads:

"12. The fees of members shall be those fees fixed from time to time by the by-laws."

8. Section 13 presently reads:

"13. (1) The trustees of any school district or school division in the Province shall retain from the salary of each and every teacher the amount of membership dues fixed and prescribed by the by-laws of the association.

(2) All moneys so retained

(a) shall be deemed to be a payment on account of the salaries of the teachers from whom the sum has been retained, and

(b) shall be deemed to be a payment on account of membership dues by the teachers from whom the sum has been retained.

(3) At the end of each school term the Department shall

(a) retain from the grants payable under The School Grants Act to a school district or school division in aid of schools organized and conducted under the provisions of The School Act, an amount equal to the amount retained under subsection (1) by the school district or school division from the salary of the teacher, and

(b) receive and pay over to the association on account of membership dues of the teachers from whom the moneys were originally retained, the moneys so retained.

(4) All moneys retained under subsection (3) and paid over shall be deemed to have been paid over to and received by the school district or school division on account of the aforesaid grants.

(5) Notwithstanding subsection (3), a school district or school division may, with the consent of the Minister obtained by request in writing of the secretary, pay to the association directly the fees of members employed by them."

9. Section 16 is revised to provide for disciplinary investigations and hearings by the discipline committee. Section 17 is revised to prescribe for notice of hearings and to allow for a hearing in the absence of an accused member who has been notified of the hearing. Section 18 is revised to prescribe the conduct of a hearing. Section 19 of the Bill empowers the executive council to impose penalties on members found guilty of unprofessional or unethical conduct at a hearing. Sections 20, 21 and 22 of the Bill correspond to sections 16, 17 and 18 of the Act. Sections 16, 17 and 18 presently read:

"16. (1) There shall be constituted a board to be known as the Teaching Profession Appeal Board, which shall consist of three members, one of whom shall be appointed by the executive council and the others by the Lieutenant Governor in Council.

(2) The Teaching Profession Appeal Board

(a) shall appoint a chairman and secretary, and

(b) shall serve as a board of appeal in case of suspension or expulsion or other disciplining of members of the association, and investigate on the order of the Minister cases involving suspension or cancellation of teachers' certificates.

17. When any teacher is suspended or expelled from membership in the association, or is otherwise disciplined by the executive council, the teacher is entitled to appeal to the Teaching Profession Appeal Board and, if the Board confirms the decision of the executive council, the association may advise the Minister to suspend or cancel the certificate of the teacher.

7. Section 12 is struck out and the following section is substituted:

12. Every active, associate and student member shall pay such fees as may be fixed by by-law.

8. Section 13 is struck out and the following section is substituted:

13. Every school board shall deduct the membership fee to the association from the salary of every teacher it employs other than as a superintendent and shall pay the membership fees and furnish a list of teachers in its employ each month to the association.

9. Sections 16 to 18 are struck out and the following sections are substituted:

16. (1) An investigation may be made with respect to the professional or ethical conduct of any active member but no disciplinary action shall be taken against a member unless a hearing has been held by the discipline committee.

(2) Where it appears that a former member has been guilty of unprofessional or unethical conduct while he was an active member, disciplinary proceedings may be instituted against him at any time within ninety days from the date he ceased to be an active member, in the same manner as if he were still an active member.

17. (1) An accused person shall be given at least ten days' notice in writing of the matter to be heard and of the time and place of the hearing by the discipline committee.

(2) A person is deemed to have been given notice under this section if it is delivered to him personally or if it is posted in a prepaid registered envelope addressed to his place of residence as shown in the records of the association.

(3) The discipline committee may hold the hearing in the absence of the accused person if notice of the hearing has been given in the manner and in the time prescribed by this section.

18. A person who contravenes any provision of this Act or any of the by-laws made hereunder is guilty of an offence and liable on summary conviction to a fine of not more than twenty-five dollars."

- 18.** (1) In every hearing the discipline committee shall
- (a) allow the accused person to be represented by counsel,
 - (b) hear all evidence in support and in defence of the complaint,
 - (c) decide the guilt or innocence of the person, and
 - (d) report its decision to the executive council and recommend a penalty it thinks suitable, if any.

(2) All evidence given by witnesses at a hearing shall be given under oath which shall be administered by the person presiding at the hearing.

19. (1) When the executive council receives a decision from the discipline committee that a person has been found guilty of unprofessional or unethical conduct the executive council may

- (a) expel the person from the association,
- (b) suspend the person from the association for any period of time it considers proper,
- (c) discipline the person in any other way it considers proper, and
- (d) recommend that the Minister suspend or cancel the person's teaching certificate.

(2) The executive council shall notify the accused person of the committee's decision and any penalty imposed by the council in the same way that notices of hearings are given to members.

(3) An accused person is deemed to have been given notice of a decision of the discipline committee and of a penalty imposed by the executive council if the notice is delivered to him or posted in the same way as notices of hearings.

(4) In addition to any other penalty it might impose, the executive council may require an accused member to pay a sum of money calculated by the council as the costs of the hearing and the costs may be recovered as a debt owing to the association.

20. (1) There shall be a board to be known as the Teaching Profession Appeal Board which shall be composed of three members, one of whom shall be appointed by the executive council and the other two by the Lieutenant Governor in Council, each to hold office until his successor is appointed.

(2) One of the members appointed by the Lieutenant Governor in Council shall be a judge of the district court of Alberta who shall be the chairman.

(3) The registrar of the Department shall be the secretary of the Board.

(4) The Lieutenant Governor in Council may fix the remuneration of the members of the Board.

10. Commencement of Act.

21. (1) a person who is found guilty of unprofessional or unethical conduct may appeal to the Teaching Profession Appeal Board within fifteen days from the date he is given notice of such finding.

(2) Every appeal shall be commenced by delivering a written notice of appeal to the registrar of the Department.

(3) The registrar of the Department shall notify the Minister, the executive council and the person of the time and place of the hearing of the appeal.

(4) All parties to the appeal may appear in person or by counsel.

(5) Upon hearing the appeal the Board shall review the evidence adduced before the disciplinary committee and the findings and report of the discipline committee and the executive council and may

(a) affirm or reverse the decision of the discipline committee, or

(b) if the decision is affirmed, confirm or vary any penalty imposed by the executive council.

(6) The decision of the Board shall be determined by the majority of its members and is final and binding on all parties.

(7) The decision of the Board shall be conveyed in writing to all parties to the appeal.

22. A person who contravenes this Act or any of the by-laws made hereunder is guilty of an offence and liable on summary conviction to a fine of not more than twenty-five dollars.

10. This Act comes into force on the day upon which it is assented to.

No. 76

FIFTH SESSION

FOURTEENTH LEGISLATURE

11 ELIZABETH II

1963

BILL

An Act to amend The Teaching
Profession Act

Received and read the

First time

Second time

Third time

HON. MR. AALBORG
