

CABINET DECISION DOCUMENT

Ministry Document Number: 004/04

MINISTER: Honourable Christy Clark, Minister of Education

TITLE: Amendments to the *Teaching Profession Act*

ISSUE: for Decision

Bill 51 changed the composition of the Council of the BC College of Teachers to provide for 12 persons appointed by government and eight persons elected by the members of the College of Teachers. The goals of government in changing the composition of the College Council were to develop standards of competence for the teaching profession, provide an avenue for public complaints about teacher conduct and ensure the independence of the College.

The amendments requested to the *Teaching Profession Act* in this submission are to change the composition of the Council of the College from 12 appointed and eight elected members, to 12 elected and eight appointed members. As well, amendments are required to ensure the independence of the College. In addition, government will encourage the College Council to ensure clear standards for the teaching profession are established in the College bylaws and that the College is responsive to the public through the public complaint process.

RECOMMENDATION:

Amend the *Teaching Profession Act* to provide that the Council will be comprised of a majority of elected members and to require that all members of the Council swear or affirm a prescribed oath of office to formalize their duty to act in the best interests of the College. The Lieutenant Governor in Council would be empowered to establish the oath by regulation and the College Council would be enabled to take action against an elected member who breached the oath.

BACKGROUND:

A. Elections/Appointments to the College Council

The College of Teachers is established pursuant to the *Teaching Profession Act*. Its object is to establish, having regard to the public interest, standards for the education, professional responsibility and competence of its members and applicants for membership. The *School Act* provides all teachers, principals, vice principals, directors of instruction, superintendents of schools or assistant superintendents of schools who are employed by school boards must be members of the College of Teachers. The Council is the governing body of the College.

Prior to Bill 51 the College was governed by a Council comprised of 15 persons elected and 5 persons appointed by government, one of who was nominated by the Deans of the Faculties of Education. Bill 51 changed the composition of the Council to eight elected members and 12 appointed Council members, one of whom was nominated by the Deans of the Faculties of Education. The purpose of these amendments was to respond to

concerns that there should be increased public representation on the Council to ensure that the public interest was adequately considered in Council's deliberations.

Since the passage of Bill 51 government has heard that while the goals of ensuring the independence of the College, creating standards and allowing public complaints are worth pursuing, the composition of the governing council should allow for a majority of elected members. Therefore, it is proposed to amend the *Teaching Profession Act* to permit the members to elect 12 College Council members and to permit the Lieutenant Governor in Council to appoint eight persons as Council members, including one person nominated by the Deans of the Faculties of Education.

B. Oath of Office

Government has heard that if the College is to serve the public interest it must be independent. Currently, there is no authority for the College to require Council members to formalize their duty to act in the best interests of the College and in accordance with the *Teaching Profession Act*.

It is proposed to introduce amendments to the *Teaching Profession Act* to require all elected Council members to swear or affirm an oath of office and to empower the College Council to take action against Council members who breach their oath of office. The Lieutenant Governor in Council would be empowered to prescribe the oath.

C. Standards of Competence/Responsiveness to Public

Developing standards of competence for the profession of teaching is the mandate of the BC College of Teachers. In 16 years, the previous College did not develop standards of competence. The transitional College has drafted standards of competence that they are now consulting on; this consultation will continue. Government will encourage the College Council to include the final standards in the College bylaws once the consultation is complete.

Government has also heard that there must be a formal public complaint process for the College, but the process must respect the existing processes established by local schools and districts. Government will encourage the College to finalize a public complaint process that will be included in the College bylaws.

FISCAL MANAGEMENT CONSIDERATIONS:

The proposed amendments do not have funding implications. The College is a self-funded organization with funding derived from membership dues. The Ministry of Education makes a small annual contribution to the College to partially offset the costs associated with the appointed Council members.

LEGISLATION AND GOVERNANCE:

This proposal requires amendments to the Teaching Profession Act (see Appendix A "three column document").

This proposal provides that a majority of the governing body of the College is elected by its members.

RECOMMENDED DECISION:

Amend the *Teaching Profession Act* as proposed.

SIGNATURE:

A handwritten signature in black ink that reads "Christy Clark". The signature is written in a cursive, flowing style.

Honourable Christy Clark
Minister of Education

DATE:

December 9, 2003

KEY CONTACT:

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APPENDIX:

A. Three Column Document

APPENDIX A

THREE COLUMN DOCUMENT

Teaching Profession Act

Current	Proposed	Reasons
<p>1. <u>College Council</u> The College Council is comprised of 8 elected and 12 appointed members.</p>	<p>The College Council is comprised of 12 elected and 8 appointed members.</p>	<p>Restores majority of Council elected from College membership.</p>
<p>2. <u>Oath of Office</u> Members of the College Council are not required to take an oath of office.</p>	<p>All elected members are required to take a prescribed oath of office.</p> <p>Empower the College Council to take action against elected Council members for failing to adhere to their oath of office.</p>	<p>Provide clarity regarding Council members duties to the College Council, stressing the importance of institutional independence.</p> <p>Creates consequences for breaching the oath of office.</p>