March 21, 2019

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File #: EECD/014/2019)

On February 20, 2019, the Department of Education and Early Childhood Development (the department) received your request for access to the following records/information:

"Pursuant to the Freedom of Information and Protection of Privacy Act, I hereby request a copy of the following public records from the Department of Education and Early Childhood Development: - All consultations, reports, memos, briefing notes, and meeting minutes produced by or for the Department of Education and Early Childhood Development concerning any discussions or efforts to amend the department's policies regarding the provincial management and/or public disclosure of all disciplinary actions against primary and secondary school teachers. This request pertains to the timeframe of January 1, 2000, to present day. According to the statute, this request should be acted upon within 30 days. If access to the records requested is going to take longer, please contact me so we can work out a reasonable date. Please note that I am aware of my right to appeal your decision to withhold any information. Should you require clarification, please do not hesitate to contact me by email or phone. Thank you in advance for your assistance on this matter."

I am pleased to inform you that your request for access to this information has been granted in part and the responsive records are attached. Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act, 2015 (the Act):

Section 40: Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

You may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.
The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL. A1B 3V8
Telephone: (709) 729-6309; Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact the undersigned by telephone at 709-729-7180 or by e-mail at garynoftall@gov.nl.ca.

Sincerely,

Gary Noftall
ATIPP Coordinator

Attachment
AGREEMENT-IN-PRINCIPLE
Labour Mobility Chapter of the Agreement on
Internal Trade/Teaching Profession

This agreement-in-principle is developed in conformity with the provisions of Chapter 7 of the
Agreement on Internal Trade (AIT), and aims to reduce barriers to teacher mobility. It is intended to
allow any teacher who holds a teaching credential in one province or territory to have access to teacher
certification in any other province or territory in order to be eligible for employment opportunities in the
teaching profession.

This provisional agreement will remain in effect until the assessment of commonalities and
differences required under Annex 708 is completed, at which time the Parties will enter into a
new agreement.

The parties agree to the following statements:

- Changing landscape
- Commonalities
- Subject area expertise
- Transparency

CHANGING LANDSCAPE

Teacher education/teacher certification in Canada is an evolving, not a static, landscape. A number of
significant changes have occurred since the provincial teacher certification officials met in Toronto in
February 1994.

- The Royal Commission in Ontario recommended the Ontario College of Teachers (O.C.T.),
  which came into operation in May 1997.

- Nova Scotia issued a report on the consolidation of teacher education programs, and
  subsequently reduced the number of education institutions from eight to four. On the other hand, in
  British Columbia, a new elementary teacher education program at Malaspina University-
  College (Nanaimo, British Columbia) began in 1997.

- Teacher education programs are undergoing significant change. For example, Nova Scotia,
  Prince Edward Island, New Brunswick, and Manitoba have moved to a minimum two-year post-
  degree B.Ed. for graduates from within province. Quebec has moved to a four-year integrated
  B.Ed. following two years of cégep.

- There is a growing recognition of the need for more than an eight-month academic year of
  preparation and of the need for an extended school experience component in teacher education.
- Recognition is increasing of the need to include mathematics, science, and technology in the
  preparation of teachers who deliver those programs, including appropriate background in these
  areas for elementary teachers.
• The minimum requirements for teacher certificates have not kept up with the changes to teacher education programs. Regulations governing teacher certification change more slowly than teacher education programs.

• Issues related to the suspension/cancellation of teacher certification and criminal records checks are the subject of increasing public awareness and scrutiny.

However, within the changing landscape, there are a number of commonalities among the jurisdictions in teacher education and teacher certification.

STATEMENT OF COMMONALITIES

• The majority of Canadian provinces and territories require completion of a professional teacher education program consisting of a minimum of 30 semester credit-hours of course work and practicum for teacher certification.

• In terms of professional teacher education course work, in general, provinces and territories do not prescribe content; however, course work in teaching methodology and educational psychology are common to all teacher education programs.

• With the exception of some programs in Ontario, approved teacher education programs within Canada contain a minimum 12-week practicum experience.

• Although all jurisdictions, ultimately through the power of legislation, have the authority to change certification requirements in order to comply with the spirit of the AIT, some have contractual/protocol arrangements that require consultation with, or approval by, the profession and/or teachers' union.

COURSE WORK - SUBJECT AREAS

Most jurisdictions have requirements that all teachers have postsecondary course work background in the subject areas of the K-12 school curriculum within their jurisdiction. This is emphasized more clearly in the preparation of secondary teachers who are expected to have some depth in the subject areas in which they teach. This is normally completed within a first degree.

In most jurisdictions, elementary teachers are also expected to have course work in the subject areas of the curriculum. This varies from New Brunswick's requirement of course work in general subject areas, to Ontario's acceptance of any bachelor's degree. In the case of British Columbia, it is 60 credits, including six credits of English, six credits of Canadian Studies, three credits of Mathematics and three credits of Lab Science.

There are some subject areas recognized within some jurisdictions, which are not found in the K-12 curriculum of other jurisdictions. For example, religious studies, heritage, or international and First Nations languages are specific to a jurisdiction.
TRANSPARENCY

Teachers wishing to move between provinces and territories must have access to information on the requirements for qualification in each jurisdiction. Recognizing the importance of this matter, all jurisdictions will publish their certification requirements on an annual basis. Jurisdictions will publish their requirements on a Web site and will also make them available to the Council of Ministers of Education, Canada for posting on its Web site.

MOBILITY PROVISIONS

The Parties further agree that a teacher is entitled to receive a teaching credential from the receiving province or territory under the following conditions.

All applicants must:

• hold a valid teaching credential from a Canadian province or territory
• have completed a professional teacher education program consisting of a minimum of 30 semester credit-hours of course work and practicum for teacher certification
• provide all documents required by the receiving province or territory
• satisfy any requirements of the receiving province or territory with respect to "fit and proper person", currency of practice, and language proficiency

Applicants fall into one of three (3) categories.

Category #1

Applicants who have completed a minimum of four years of postsecondary education1 and hold a degree(s) completed at a university that is a member of the Association of Universities and Colleges of Canada or any other university degree(s) deemed equivalent by the receiving province or territory, will be issued a teaching credential in the receiving province or territory based on the following.

An applicant who satisfies the basic requirements of the receiving province or territory will be granted a teaching credential by the receiving province or territory.

OR

An applicant who does not satisfy all requirements of the receiving province or territory will be granted a teaching credential valid for a period of time (to be determined by the receiving province or territory) — said time period to be reasonable, in the circumstances — during which time the teacher will be required to complete successfully any outstanding academic/professional preparation requirements of the receiving province or territory.

1 British Columbia, Saskatchewan, Manitoba, Ontario, New Brunswick, Prince Edward Island, and Newfoundland and Labrador consider years of postsecondary beyond Grade 12 or equivalent.
Category #2

Applicants who hold a degree/diploma in vocational, technical, or technological studies equivalent to the requirements of the receiving province or territory will be issued a teaching credential by the receiving province or territory based on the following.

Applicants who satisfy the equivalent standards, including any work experience requirements, of the receiving province or territory will be granted an appropriate teaching credential by the receiving province or territory. In some instances, the teacher may be required to complete successfully any outstanding academic/professional preparation requirements of the receiving province or territory during the validity period of the teaching credential.

Category #3

Applicants who hold a teaching credential based on academic/professional preparation that does not fall into either of the above two categories will be assessed on a case-by-case basis by the receiving province or territory, and may be granted a teaching credential in the receiving province or territory if they meet the necessary equivalent academic/professional preparation. In some instances, the teacher may be required to complete successfully any outstanding academic/professional preparation requirements of the receiving province or territory during the validity period of the teaching credential.

CONTINUING COMMITMENT

The Registrars for Teacher Certification will continue to work on the reconciliation of the standards for teacher certification, and on accommodation mechanisms to facilitate the mobility of teachers between the provinces and territories.
Interjurisdictional Protocol on Procedures relating to the Suspension or Cancellation of Teaching Certificates

The parties agree that it is in the best interest of children, the public, and the teaching profession to have an interjurisdictional protocol on procedures relating to suspensions or cancellations of teaching certificates. The parties agree to the following:

- To have in place procedures, including any necessary legislative or regulatory authority, whereby the certification authority of the jurisdiction is formally advised in writing by employing authorities (schools, school districts, or divisions) of any suspensions, terminations, resignations, or retirements from employment arising from conduct that may relate to the suitability of a person to hold a teaching certificate.

- To work with any independent or band schools, or associations of such schools, to have in place similar reporting procedures.

- To have in place a process, based on the principles of natural justice, whereby a review of certification status is initiated, based on a report from an employing authority or on other information, including any criminal conviction, that may relate to the suitability of a person to hold a teaching certificate.

- To notify the registrar of every provincial/territorial teacher certification authority of every cancellation and any suspension of a teaching certificate for cause, and any action for cause taken against a person who held a certificate that has expired.

- That the above notification will include the full name, including any previous names, the date of birth, the type of certificate or certificates held, the registration/certificate number, and a general description of the conduct that led to the action against the certificate.

- To notify the registrar of every provincial/territorial teacher certification authority of an updated summary to December 31 of all teaching certificates that have been cancelled, suspended, or reinstated in that jurisdiction, the updated annual summary to be sent no later than the following March 31.
Memorandum

Memo to: Mr. Gary Hatcher, Director
Division of School Services

From: Robert Parsons, Registrar
Teacher Services Section

Re: The Inter-jurisdictional protocol on procedures relating to the suspension or cancellation of teaching certificates.

Date: June 21, 2000

I have attached for your reference a copy of the first briefing note on this issue. Since that time both the Deputy Minister and the Minister have been made aware of the issue through their respective CMEC meetings.

Since there has been no further action by the Department on the implementation of the protocol, I request you bring this issue to the attention of the Assistant Deputy Minister and Deputy Minister. I will report to the CMEC Working Group of Registrars at our meeting on June 26-27 that an amendment to the Schools Act is being considered.

/s/g
Robert Parsons

Attach.
Briefing Note  
Teacher Certification  
December 9, 1998

Issue

The Agreement on Internal Trade, Chapter 7 (Labour Mobility)

Background

Chapter 7 of the Agreement on Internal Trade requires the parties to work toward reducing the barriers for workers moving between jurisdictions and obliges them to work toward mutual recognition of occupational qualifications and reconciliation of occupational standards. The Council of Ministers of Education, Canada (CMEC) was charged with implementing Chapter 7 as it relates to teachers and other educational personnel.

The registrars of teacher certification for each of the provinces and territories, along with CMEC Secretariat staff and representatives from the Labour Market Coordinating Group, have been meeting for the past two years, working toward an agreement aimed at meeting the obligations of Chapter 7.

The registrars of teacher certification, along with CMEC Secretariat staff, met in Toronto on November 5-6, 1998. They were joined by several members of the Labour Market Coordinating Group. A number of issues in the draft provisional agreement were clarified and modified during that meeting. The attached revised agreement-in-principle represents the work of that meeting.

One of the items identified as a priority for action to facilitate acceptance of this agreement by all provinces is “to continue to improve interjurisdictional protocols regarding notifications of suspension and cancellation of teaching certificates, including ensuring that all jurisdictions have provisions for reporting by local school authorities of misconduct by educational personnel to the provincial or territorial teacher certification authority”.

It was agreed by the registrars to pursue this issue in their respective provinces with the intent to request that “employer notification” be made mandatory through legislation.

Options

- Confirm that Section 75(1)(s) is the mechanism whereby boards are required to transmit to the Minister reports of teacher discipline, including suspension or termination of employment. This would require specific clarification by the Department as an on-going responsibility of the respective boards.

- Amend the Schools Act, 1997, to include a new provision whereby boards must report all instances of teacher discipline to the Registrar of Teacher Certification.
Recommendations

- To seek approval to amend Section 75(1) of The Schools Act, 1997, to include a new provision which explicitly requires a school board to report immediately to the Registrar of Teacher Certification all instances of teacher discipline undertaken by the Board.
GOVERNMENT OF
NEWFOUNDLAND AND LABRADOR

Department of Education

MEMO

To: Directors of Education

From: Gary Hatcher, Director of School Services

Re: Teacher Misconduct

Date: February 26, 2001

Under current legislation the Teacher Certification Review Panel is responsible for recommending to the Teacher Certification Committee the suspension or cancellation of the Certificate or Licence of a teacher who is guilty of gross misconduct, incompetence, or other just cause.

Such reviews by the Review Panel are instigated by the Minister, upon receipt of relevant information from the Directors of Education; private schools; Department of Justice; or the general public.

It is therefore imperative that information relating to misconduct by a teacher, be relayed immediately to the Department of Education. This includes all cases of suspension or termination of employment by the Board in accordance with Section 76(1)(i) or 81(1), or for instances where an employee resigns or retires from their teaching position as a result of actions that the Board would determine to constitute gross misconduct or conduct that would make the teacher unsuitable to perform his or her duties.

Please contact me, or Mr. Robert Parsons, Registrar of Teacher Certification, if you wish to further discuss this matter.

Gary Hatcher, Director
School Services

cc Assistant Directors, Personnel

P.O. Box 8700, St. John's, Newfoundland, Canada, A1B 4J6, Telephone (709) 729-5097, Facsimile (709) 729-5896
GOVERNMENT OF
NEWFOUNDLAND AND LABRADOR

Department of Education

August 30, 2001

MEMO TO:  Assistant Directors - Personnel

This is intended to serve as an annual reminder that all instances of teacher suspensions or terminations of teachers under Section 76 (1) (i) of 81 (1) or instances where a teacher resigns or retires as a result of actions that the board would consider to constitute gross misconduct or conduct which would make the teacher unsuitable to perform the required duties are to be reported to the Registrar of Teacher Certification as soon as possible following such action.

I have attached a copy of a memo dated February 26, 2001 which elaborates further on this.

Gary Hatcher
Director of School Services

cc. Directors of Education
Mr. Robert Parsons

P.O. Box 8700, St. John's, Newfoundland, Canada, A1B 4J6, Telephone (709) 729-5097, Facsimile (709) 729-5896
http://www.gov.nl.ca/edu
Memorandum

2005 11 16

To: Members of CMEC
Members of ACDME

Re: Sharing Information on Teacher Disciplinary Records

Attached is the Report of the Registrars for Teacher Certification Canada, in response to the request of members of CMEC at their meeting in Toronto on March 8, 2005, on the above-noted matter.

Background

Recent events at the time in British Columbia led then-Minister of Education, the Honourable Tom Christensen of British Columbia, to raise the issue of teacher discipline for discussion at the CMEC meeting on March 8, 2005. In a letter to the then Chair of CMEC, he cited two incidents involving teachers who were charged with sexual misconduct. The possibility that they might continue to practise teaching within British Columbia and/or in other jurisdictions raised the central question as to whether current practices concerning teacher discipline and the sharing of information pertaining to disciplinary records are in fact adequate to guard against risk to children.

In 1999, CMEC established the Interjurisdictional Protocol on Procedures Relating to the Suspension or Cancellation of Teaching Certificates. The protocol was established in the context of increasing public awareness and scrutiny around misconduct in the teaching profession and around issues related to the mobility of teachers within a jurisdiction and across jurisdictions. The registrars' last exchange of information on this subject in February 2005 confirmed that there remained a number of jurisdictions who are not in full compliance with the protocol.

Ministers noted that within provinces and territories a teacher's certificate is not necessarily suspended or cancelled as a result of disciplinary action, and therefore the existing protocol does not facilitate the sharing of information among jurisdictions on teachers who have been the subject of disciplinary action.

After careful consideration of the issue and its implications in the context of the protocol, ministers decided to refer the matter to the Registrars for Teacher Certification Canada. In a letter dated March 18, 2005, to the Chair of the Registrars, the Acting Director General of CMEC, Boyd Pelley, outlined the ministers' request. In this letter, he provided specific questions to be answered by the registrars in carrying out this new mandate. A copy of this letter is also attached for your information.
Highlights of the registrars’ report

The Registrars for Teacher Certification Canada agreed on a number of points and make two recommendations to CMEC to address ministers’ questions as outlined in the March 18, 2005, letter from the Acting Director General:

1. On the feasibility of establishing a national registry

The registrars felt that a national registry should not be established at this time for a number of reasons, which are outlined in the attached report. First, provisions for sharing this information have already been established under the Interjurisdictional Protocol on Procedures Relating to the Suspension or Cancellation of Teaching Certificates, where jurisdictional legislation currently provides, as well as with the National Association of State Directors of Teacher Education and Certification (NASDTEC). Also, legislative changes would be required to different statutes and regulations in many jurisdictions. Access and the implications for privacy, as well as for cost, need further study.

2. On possible amendments to strengthen the Interjurisdictional Protocol on Procedures Relating to the Suspension or Cancellation of Teaching Certificates

Registrars recommend that, where not already in place, legislation or regulations be enacted to allow for the sharing of information with all education partners in keeping with the terms of the protocol.

They also stress the need for all jurisdictions to put in place policies and to establish working relationships between and among their education partners to ensure that they take the appropriate action to meet the intent of the protocol.

ORIGINAL SIGNED BY

Raymond Théberge
Director General

Enc.

cc Advisors
Report of the Registrars for Teacher Certification Canada to CMEC on Sharing Information on Teacher Disciplinary Records

The Registrars for Teacher Certification Canada met in Halifax from October 17 to 22, 2005. On October 17 and 18, they discussed the issue of sharing information on teacher disciplinary records, as had been requested by ministers of education at their winter 2005 meeting. This request was expanded upon in the March 18, 2005, letter from [Name], then Acting Director General of CMEC, to [Name], chair of the Registrars for Teacher Certification Canada.

The registrars outlined for each other the processes and procedures currently in place to deal with teacher discipline cases leading to the suspension or cancellation of teaching certificates. Although many jurisdictions have similar provisions for dealing with and reporting these cases, significant variations do exist.

National Registry

Registrars discussed the feasibility of establishing a national registry of disciplined teachers. Each jurisdiction’s registrar came prepared with a legal opinion or policy position on this option as a way to share information on all teacher disciplinary records, not just those leading to the suspension or cancellation of teaching certificates.

Recommendation

The majority of jurisdictions felt that a national registry should not be established at this time for a number of reasons:

1. Provisions for sharing this information have already been established under the Interjurisdictional Protocol on Procedures Relating to the Suspension or Cancellation of Teaching Certificates, where jurisdictional legislation currently provides, as well as with the National Association of State Directors of Teacher Education and Certification (NASDTEC).
2. In many jurisdictions, legislative changes would be required to either the education statutes or the freedom of information/protection of privacy legislation or both.
3. Access to such a registry and the implications for freedom of information/protection of privacy need further study.
4. Cost implications need to be determined.

Interjurisdictional Protocol on Procedures Relating to the Suspension or Cancellation of Teaching Certificates

Five jurisdictions are currently not in compliance with the protocol, namely, Newfoundland and Labrador, Saskatchewan, Nunavut, Prince Edward Island, and Quebec. The first four are in the process of drafting legislation to comply.
The registrars were in agreement on the following:

1. The protocol does not need to be amended at this time.
2. Non-compliant jurisdictions must implement the enabling legislation to comply with the protocol as soon as possible.
3. Implementation of the protocol could be better enforced through more cooperation on the part of educational stakeholders in informing the registrar of their jurisdiction about situations where teaching certificates should be reviewed.
4. The scope of discipline matters to be reported varies across jurisdictions and is at the heart of the issue. Suitability to hold a teaching certificate should be the only criterion for determining whether to notify other jurisdictions through the protocol.
5. Although the protocol requires jurisdictions to notify each other only once a year, notification actually occurs more frequently and/or as soon as suspension or cancellation decisions occur.

**Recommendation**

In those jurisdictions where it is not already in place, legislation (and/or regulations) must be enacted to allow for the sharing of information with certification authorities, professional associations, and teacher employers, in keeping with the terms of the protocol. Perhaps of more importance is the need for jurisdictions to put in place policies and to establish working relationships between and among their education partners to ensure that they take the appropriate action to meet the intent of the protocol.
March 18, 2005

Teacher Certification Registrar
Department of Education
King's Place, 3rd Floor
440 King Street
Fredericton, New Brunswick
E3B 5H8

Dear [Name]

I am writing to you in your capacity as Chair of the Registrars for Teacher Certification, Canada. At their meeting in Toronto on March 8, 2005, members of CMEC requested that the following matter be brought to the attention of the registrars in all jurisdictions of Canada.

Recent events in British Columbia led the Honourable Tom Christensen of British Columbia to raise the issue of teacher discipline for discussion at the CMEC meeting on March 8, 2005. In a letter to the then Chair of CMEC, he cites two incidents involving teachers who were charged with sexual misconduct. The possibility that they might continue to practise teaching within British Columbia and/or in other jurisdictions raises the central question as to whether current practices concerning teacher discipline and the sharing of information pertaining to disciplinary records are in fact adequate to guard against risk to children.

As you know, in 1999, CMEC established the Interjurisdictional Protocol on Procedures relating to the Suspension or Cancellation of Teaching Certificates. The protocol was established in the context of increasing public awareness and scrutiny around misconduct in the teaching profession and around issues related to the mobility of teachers within a jurisdiction and across jurisdictions. The registrars' last exchange of information on this subject in February 2005 confirmed that there remain a number of jurisdictions who are not in full compliance with the protocol.

Ministers noted that within provinces and territories a teacher’s certificate is not necessarily suspended or cancelled as a result of disciplinary action, and therefore the existing protocol does not facilitate the sharing of information among jurisdictions on teachers who have been the subject of disciplinary action.

After careful consideration of the issue and its implications in the context of the protocol, ministers decided to refer the matter to the registrars for Teacher Certification, Canada. Specifically, they are requesting that registrars examine the issue in light of the many factors that
have an impact on jurisdictional practices concerning teacher discipline and the sharing of disciplinary reports.

These factors include but are not limited to
• privacy rights
• collective agreements
• enforcement of reporting requirements
• defining the scope of discipline to be reported

Registrars are asked to report to ministers on whether current practices in the sharing of information on teacher discipline are adequate, both

• within their respective jurisdictions (i.e., among educational authorities including the ministry/department, certifying authority, schools, boards, districts) and
• among jurisdictions (e.g., through the registrars)

Registrars are also mandated to study the feasibility of establishing a national registry of disciplined teachers, including the legal, financial, and communications implications. Ministers also requested that registrars determine whether the Interjurisdictional Protocol on Procedures relating to the Suspension or Cancellation of Teaching Certificates could be amended or broadened to implement any recommendations that would be forthcoming from the registrars as a result of their examination of this issue.

As you undertake this task with your colleagues, please do not hesitate to contact the CMEC Secretariat. We will be pleased to support your efforts to address this matter in any way possible.

Yours sincerely,

ORIGINAL SIGNED BY

[Signature]
Director General (Acting)

cc Members of CMEC
Members of ACDME
Briefing Note
CMEC Memorandum 2005/48

Issue: Sharing Information on Teacher Disciplinary Records.

Background:
• In 1999, CMEC established the Interjurisdictional Protocol on Procedures Relating to the Suspension and Cancellation of Teaching Certificates. Generally, the procedures have been working well and most provinces are in compliance.
• At a meeting of Registrars for Teacher Certification Canada, the issue of establishing a national registry of teachers whose certification to teach has been cancelled or suspended was discussed. With the exception of Ontario and British Columbia, the Registrars felt a national registry should not be established at this time.
• Those provinces not in full compliance with the Protocol have been identified and with the exception of Quebec are working toward compliance.
• Newfoundland and Labrador has been identified by CMEC as one of the jurisdictions not in full compliance because provincial legislation does not exist which specifically requires school boards and private school operators to report suspensions, terminations and disciplinary actions against teachers for reasons of misconduct.
• In the absence of specific legislation that requires the reporting of discipline of teachers, a memo was sent to Directors of Education, from Gary Hatcher (March 14, 1997) which stated the procedures to be followed when school boards suspended or terminated the employment of a teacher.
• In a meeting on Nov. 1, 2005 (Galway, Hatcher and Parsons) provisions of the Schools Act and the Teacher Training Act were reviewed. It was determined that in accordance with Sections 75(1)(r), 47(1) and 48(1) of the Schools Act, school boards and private schools are required to provide any reports requested by the minister.

Recommendations:
• Provide CMEC with a statement that Newfoundland and Labrador is in full compliance with the Protocol.
• Maintain and support current provisions of the Protocol in preference to establishing a National Registry.
• Replace the Memo to Directors issued on March 14, 1997 with a revised Ministerial Directive to Directors of Education and Private School Operators (K-12) regarding the requirement and procedures for reporting all instances of teacher discipline.
• Address and re-enforce the issue of reporting during annual meetings between Department of Education officials and Directors of Education, and in similar meetings with private school operators.

Rob: Please prepare memo for Minister signature.

Please prepare directive as per recommendation.

Please prepare memo from me to all Private School Operators attaching Minister's directive.
Attachments;

- Interjurisdictional Protocol on Procedures Relating to the Suspension and Cancellation of Teaching Certificates.
- Memo of March 14, 1997
- Schools Act Sections 75, 47 and 48

Prepared by: Robert Parsons
Nov, 24, 2005
GOVERNMENT OF
NEWFOUNDLAND AND LABRADOR

Department of Education
Office of the Minister

The Department of Education
Policy Directive #05-01

Issued by the Honorable Joan Burke, Minister of Education
December 15, 2005

Topic: Reporting procedures for cases of teacher discipline

Directive:

In accordance with Section 75(1)(r) of The Schools Act school boards are required to provide reports that the minister may require. In this regard you are advised that a report is required each time a teacher is suspended or terminated, or when a teacher resigns or retires from employment, as a result of conduct that may relate to the suitability of a person to hold a teaching certificate or licence.

The reporting procedures to be followed by school boards are attached.

Honourable Joan Burke
Minister of Education
PROCEDURES

1. The school board is required to provide a formal written notification to the Minister of Education and to Registrar of Teachers immediately upon the suspension, or termination of a teacher under Article 10 of the Provincial Collective Agreement or Article 49 of the Labrador West Collective Agreement, or when a teacher retires or resignes from employment as a result of conduct that may relate to the suitability of a person to hold a teaching certificate. Changes to suspension action, such as lifting of suspension or providing notice of termination should also be communicated to the above offices as soon as action is taken.

2. In the case of suspension, a school board is expected to initiate an investigation into the action which gave rise to the suspension as soon as is practical. If the action is being investigated by another agency such as the police, it may not be possible for the board to conclude or even begin its investigation until the other agency has completed its task. However the board’s investigation should take place as soon as possible.

3. If the board’s investigation reveals that disciplinary action is warranted, the board should proceed with such disciplinary action as soon as the determination is made. It is not always necessary to await the conclusion of actions by other agencies, such as a court trial, before action by the employer is initiated.

4. When it has been determined that a teacher is guilty of gross misconduct or incompetence or where the school board feels there is other just cause, the school board may recommend to the Teacher Certification Review Panel, in accordance with Article 11.01 of the Provincial Collective Agreement, or 6.01 of the Labrador West Collective Agreement that the licence or certificate of the teacher be suspended or cancelled. The Teacher Certification Review Panel, as established in Section 3 of The Teacher Training Act, has the authority to review all cases involving misconduct, incompetence or for other just cause.
Key Messages
Teacher misconduct
December 20, 2005

- For several years, school boards have been required to provide reports to the minister regarding any decision to suspend or terminate a teacher for reasons of gross misconduct, incompetence or any other just cause.

- It is my understanding that the boards have been fully complying and information is shared with other provinces.

- The reference in the news article to Newfoundland and Labrador not complying is incorrect. To my knowledge there has never been a case where a teacher has lost a job and ended up working in another jurisdiction.

- However, to help strengthen and formalize this process, I am issuing a ministerial directive to Directors of Education and Private School Operators in the k-12 system. This is designed to ensure that teachers deemed unsuitable by school boards and the Teacher Certification Review Panel are not hired somewhere else.

- This directive also includes procedures boards should follow in such circumstances.

- Such directives are used fairly often – most recently, during the transition phase of establishing the new school boards.

- This directive is just as formal as having it written into the legislation. In this case, I fully appreciate the concerns expressed by some other jurisdictions and I want to take this extra measure to have our own protocol formalized.

- In addition, education officials should be reminded on a regular basis the importance of reporting and sharing information. This will be done at regular meetings.
Department of Education
Office of the Assistant Deputy Minister
Primary, Elementary & Secondary Education

December 21, 2005

[Redacted] – s.40(1)

Director General
Council of Ministers of Education, Canada
95 St. Clair Ave. West, Suite 1106
Toronto, ON
M4V 1N6

Dear [Redacted] – s.40(1)

I write to you with reference to the Interjurisdictional Protocol on Procedures relating to the Suspension or Cancellation of Teaching Certificates, established by CMEC in 1999.

Since initial adoption of the protocol, several jurisdictions, including Newfoundland and Labrador, have been identified as not being fully compliant with the established procedures. I wish to advise you that through provisions of the Schools Act, 1997 and related ministerial directives, all school boards and private schools are required to report to this department all suspensions, terminations, resignations or retirements from employment arising from conduct that may relate to the suitability of a person to hold a teaching certificate or licence. Further, this legislation provides for punitive measures against those responsible for reporting and who do not comply with the directives.

Therefore, I request you advise the remaining CMEC members and the Forum of Certification Registrars of this development and resulting change in status relative to the protocol.

Sincerely,

Gerald Galway
Assistant Deputy Minister
Primary, Elementary & Secondary Education
Memorandum

2014 12 19

To: Members of CMEC

Re: Revised Interjurisdictional Protocol on Procedures Relating to the Suspension or Cancellation of Teaching Certificates

RESPONSE REQUESTED BY JANUARY 23, 2015

Attached for your approval is the revised Interjurisdictional Protocol on Procedures Relating to the Suspension or Cancellation of Teaching Certificates.

Background

In September of 1999, CMEC established the Interjurisdictional Protocol on Procedures Relating to the Suspension or Cancellation of Teaching Certificates. The protocol was initially established in the context of increasing public awareness and scrutiny around misconduct in the teaching profession as well as issues related to the mobility of teachers within a jurisdiction and across jurisdictions.

At their 87th CMEC meeting in March of 2005, ministers noted that within provinces and territories, a teacher’s certificate is not necessarily suspended or cancelled as a result of disciplinary action and therefore the 1999 protocol does not facilitate the sharing of information among jurisdictions on teachers who have been the subject of disciplinary actions. Ministers decided to refer the matter to the Registrars for Teacher Certification Canada, asking them to examine the issue in light of the many factors that have an impact on jurisdictional practices concerning teacher discipline and the sharing of disciplinary reports.

In response to the ministers’ request, the Registrars for Teacher Certification Canada provided a report to CMEC containing a number of recommendations, including encouraging the enactment of legislation or regulations to allow for the sharing of information with all education partners in keeping with the terms of the protocol. They also stressed the need for all jurisdictions to put policies in place and establish working relationships between and among their education partners to ensure that they take the appropriate action to meet the intent of the protocol.
In 2009, the registrars revisited the protocol and discussed approaches to improving the sharing of documents. They concluded that even though their ability to obtain information of this nature had improved over the past few years, changes to regulations and/or legislation that would allow for enhanced information-sharing across jurisdictions would nevertheless be difficult, given the inherent complexities and the number of stakeholders involved. They agreed to look at ways to enhance the 1999 protocol.

Features of the revised protocol

Following concerns raised by some jurisdictions that they would not be able to comply with the protocol due to their legislative limitations, the registrars reviewed the wording of the protocol and are now seeking CMEC’s approval to adopt the revised protocol. Specifically, the following changes are suggested:

- To modify the fourth bullet; whereas the 1999 protocol stipulated that jurisdictions agree to the following:

  “To notify the registrar of every provincial/territorial teacher certification authority of every cancellation and any suspension of a teaching certificate for cause, and any action for cause taken against a person who held a certificate that has expired.”

The revised protocol is amended to read as follows:

  “Immediately upon having the legal authority to do so, to notify the Registrar of every provincial/territorial teacher-certification authority of every cancellation, revocation, suspension, or relinquishment of a teaching certificate for cause (conduct, competence, or fitness), and any action for cause taken against a person who holds or previously held a certificate.”

- To remove the last bullet requesting that registrars produce an annual report notifying the other registrars of every provincial/territorial teacher-certification authority of all teaching certificates that have been cancelled, suspended, or reinstated in that jurisdiction.

Approval of the final draft protocol

The revised protocol has been reviewed by the Registrars for Teacher Certification Canada. We are hereby seeking final approval from members of CMEC.

You are asked to sign and return the attached response form to the Secretariat by January 23, 2015.
With thanks for your cooperation,

ORIGINAL SIGNED BY

[Name Redacted]  s.40(1)
Director General

Enc.

cc Members of ACDME
Advisors
Response Form

2014 12 19  

To: [Redacted]  
Fax: 416-962-2800  

Re: Revised Interjurisdictional Protocol on Procedures Relating to the Suspension or Cancellation of Teaching Certificates  

RESPONSE REQUESTED BY JANUARY 23, 2015

☐ I approve the revised Interjurisdictional Protocol on Procedures Relating to the Suspension or Cancellation of Teaching Certificates as presented.

☐ I approve the revised Interjurisdictional Protocol on Procedures Relating to the Suspension or Cancellation of Teaching Certificates with the following suggested modifications (please use separate sheet if required):

________________________________________________________________________

________________________________________________________________________

Click here to enter a date.  

Date  

Signature

If you have difficulty filling out this form electronically, please print it and return it by fax. If replying by e-mail, please name your response file with the name of your jurisdiction.
Interjurisdictional Protocol on Procedures
Relating to the Suspension or Cancellation
of Teaching Certificates

The parties agree that it is in the best interest of children, the public, and the teaching profession to have an interjurisdictional protocol on procedures relating to suspensions or cancellations of teaching certificates. The parties agree to the following:

- To have in place procedures, including any necessary legislative or regulatory authority, whereby the certification authority of the jurisdiction is formally advised in writing by employing authorities (schools, school districts, or divisions) of any suspensions, terminations, resignations, or retirements from employment arising from conduct that may relate to the suitability of a person to hold a teaching certificate.

- To work with any independent or band schools, or associations of such schools, to have in place similar reporting procedures.

- To have in place a process, based on the principles of natural justice, whereby a review of certification status is initiated, based on a report from an employing authority or on other information, including any criminal conviction, that may relate to the suitability of a person to hold a teaching certificate.

- Immediately upon having the legal authority to do so, to notify the Registrar of every provincial/territorial teacher-certification authority of every cancellation, revocation, suspension, or relinquishment of a teaching certificate for cause (conduct, competence, or fitness), and any action for cause taken against a person who holds or previously held a certificate.

- That the above notification will include the full name, including any previous names, the date of birth, the type of certificate or certificates held, the registration/certificate number, and a general description of the conduct that led to the action against the certificate.

Last updated: November 2014
Response Form

2014 12 19

To:
Fax: 416-962-2800

Re: Revised Interjurisdictional Protocol on Procedures Relating to the Suspension or Cancellation of Teaching Certificates

RESPONSE REQUESTED BY JANUARY 23, 2015

Susan Sullivan
Minister

Newfoundland and Labrador
Jurisdiction

☑ I approve the revised Interjurisdictional Protocol on Procedures Relating to the Suspension or Cancellation of Teaching Certificates as presented.

☐ I approve the revised Interjurisdictional Protocol on Procedures Relating to the Suspension or Cancellation of Teaching Certificates with the following suggested modifications (please use separate sheet if required):


February 3, 2015
Click here to enter a date.

Susan Sullivan
Signature

If you have difficulty filling out this form electronically, please print it and return it by fax. If replying by e-mail, please name your response file with the name of your jurisdiction.