

BILL

No. 174

An Act respecting the Regulation of Teachers and making consequential amendments to other Acts

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(Assented to _____)

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

SHORT TITLE AND INTERPRETATION

Short title

1 This Act may be cited as *The Registered Teachers Act*.

Interpretation

2 In this Act:

- (a) **“administrative bylaw”** means a bylaw made for a purpose set out in subsection 16(1);
- (b) **“board of directors”** means:
 - (i) the transitional board of directors of the regulatory board, for the period commencing on the day on which this Act comes into force and ending on the day on which the Lieutenant Governor in Council dissolves the transitional board of directors pursuant to section 58;
 - (ii) the board of directors of the regulatory board, from and after the day on which the Lieutenant Governor in Council dissolves the transitional board of directors pursuant to section 58;
- (c) **“board of education”** means a board of education as defined in *The Education Act, 1995*;
- (d) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (e) **“bylaws”** means the valid and subsisting bylaws of the regulatory board;
- (f) **“certification”** means certification as a teacher pursuant to this Act and the bylaws;
- (g) **“chief operating officer”** means the chief operating officer appointed pursuant to section 13;
- (h) **“conseil scolaire”** means the conseil scolaire as defined in *The Education Act, 1995*;
- (i) **“court”** means the Court of Queen’s Bench;
- (j) **“director”** means a member of the board of directors;
- (k) **“employer”** means a board of education, the conseil scolaire, a registered independent school as defined in *The Education Act, 1995*, or any other employer recognized by the minister that employs or retains a teacher in a position for which a teacher’s certificate is required;
- (l) **“employer notice”** means a notice received by the board of directors from an employer pursuant to section 35;

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- (m) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (n) **“prescribed”** means prescribed in the bylaws;
- (o) **“register”** means the register kept pursuant to section 25;
- (p) **“registered teacher”** means a teacher whose registration is in good standing;
- (q) **“registrar”** means:
- (i) the registrar appointed pursuant to section 13; or
 - (ii) in the absence of an appointment, the chief operating officer;
- (r) **“registration”** means registration pursuant to this Act and the bylaws;
- (s) **“regulatory board”** means the Saskatchewan Professional Teachers Regulatory Board established pursuant to section 3;
- (t) **“regulatory bylaw”** means a bylaw made:
- (i) for a purpose set out in subsection 16(2); or
 - (ii) pursuant to section 18;
- (u) **“school year”** means the period commencing on July 1 in one calendar year and ending on June 30 in the next calendar year;
- (v) **“teacher”** means a person who holds a valid teacher’s certificate to teach in schools in Saskatchewan;
- (w) **“teacher’s certificate”** means a teacher’s certificate that is issued or deemed to have been issued pursuant to this Act and the bylaws;
- (x) **“temporary teaching permit”** means a temporary teaching permit that is issued or deemed to have been issued pursuant to section 22.

REGULATORY BOARD

Regulatory board established

3 The Saskatchewan Professional Teachers Regulatory Board is established as a corporation.

Duty and objects of regulatory board

4(1) It is the duty of the regulatory board at all times:

- (a) to serve and protect the public; and
- (b) to exercise its powers and discharge its responsibilities in the public interest.

(2) The objects of the regulatory board are to establish and administer the professional certification and standards of professional conduct and competence of teachers for the purposes of serving and protecting the public.

Property

- 5(1) The regulatory board may acquire, hold, mortgage, lease, sell or dispose of any property.
- (2) All fees, fines and penalties receivable or recoverable pursuant to this Act are the property of the regulatory board.
- (3) The regulatory board may:
 - (a) invest its funds in investments in which trustees are authorized to invest pursuant to *The Trustee Act, 2009*; and
 - (b) sell or otherwise dispose of those investments and reinvest the proceeds in similar investments.

BOARD OF DIRECTORS

Board of directors

- 6(1) The board of directors shall manage and regulate the affairs and business of the regulatory board.
- (2) The board of directors consists of:
 - (a) the following members appointed or elected in accordance with the bylaws:
 - (i) three members appointed or elected by the Saskatchewan Teachers' Federation;
 - (ii) one member appointed or elected by the League of Educational Administrators, Directors and Superintendents;
 - (b) three members appointed by the minister, only one of whom may be a member of the Saskatchewan Teachers' Federation; and
 - (c) two members appointed by the Lieutenant Governor in Council pursuant to section 7.
- (3) No person is eligible to be appointed or elected as a director unless that person resides in Saskatchewan.
- (4) A director ceases to hold office if he or she ceases to be a resident of Saskatchewan.
- (5) If a person resides on the Alberta side of the City of Lloydminster, he or she is deemed to reside in Saskatchewan for the purposes of meeting the residency requirements of this section.
- (6) No person is eligible to be appointed or elected as a director pursuant to clause (2)(a) or (b) unless that person is a registered teacher at the time of appointment or election.
- (7) Subject to clause 38(1)(b), no director shall serve as a member of the professional conduct committee or the discipline committee while he or she is a director.
- (8) The directors are to be remunerated by and receive reimbursement for expenses from the regulatory board in the prescribed amount.
- (9) Each director appointed or elected pursuant to clause (2)(a) holds office for the prescribed term.

- (10) Each director appointed pursuant to clause (2)(b):
- (a) holds office for the term determined by the minister, which is not to exceed three years; and
 - (b) is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.

Public appointees

- 7(1) Subject to subsections (2) and 6(3), the Lieutenant Governor in Council may appoint two persons as directors.
- (2) No teacher is eligible to be appointed as a director pursuant to subsection (1).
- (3) If the Lieutenant Governor in Council appoints a person as a director, the term of office of that person is not to exceed three years.
- (4) Subject to subsection 6(4), a director appointed pursuant to this section holds office until that person's successor is appointed and is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.
- (5) A director appointed pursuant to this section may exercise rights and serve as a member of committees to the same extent as other directors.

Responsibilities of directors

- 8(1) A director shall act:
- (a) in good faith; and
 - (b) in a manner that puts the public interest ahead of the interest of any organization with which the director may be affiliated.
- (2) A director shall not act on behalf of another person with respect to an application for certification or with respect to a complaint, report, investigation or hearing conducted pursuant to this Act.

Oath of office

9 Before taking up the duties of a director, every person elected or appointed to the board of directors shall swear an oath or affirm in the manner and form specified in the bylaws.

Meetings

- 10(1) The board of directors shall hold a meeting at least once in each year.
- (2) Subject to sections 17 and 18, the board of directors may make bylaws governing its practices and procedures, including the conduct of its meetings.
- (3) A majority of directors shall elect a chairperson from among their number, and may elect a new chairperson from among their number at any time.

Resignation of office

- 11(1) A director appointed or elected pursuant to clause 6(2)(a) may resign by giving written notice of his or her resignation to the board of directors.
- (2) A director appointed pursuant to clause 6(2)(b) or section 7 may resign by giving written notice of his or her resignation to the minister.

(3) The resignation of a director is effective on the date stated on the written notice or, if no date is stated:

(a) in the case of the resignation of a director appointed or elected pursuant to clause 6(2)(a), on the date the written notice is received by the board of directors; or

(b) in the case of the resignation of a director appointed pursuant to clause 6(2)(b) or section 7, on the date the written notice is received by the minister.

Vacancy

12(1) When a vacancy occurs in the membership of the board of directors appointed or elected pursuant to clause 6(2)(a), the remaining directors may appoint another registered teacher to fill the vacancy until the earlier of:

(a) the expiry of the term of office of the person who ceased to be a director; and

(b) the day on which a registered teacher is appointed or elected to fill the vacancy in accordance with clause 6(2)(a).

(2) A vacancy in the membership of the board of directors does not impair the power of the remaining directors to act.

(3) If the teacher's certificate of a person serving as a director appointed or elected pursuant to clause 6(2)(a) or (b) is suspended, the person's powers and duties as a director are suspended for the same period.

(4) If the teacher's certificate of a person serving as a director appointed or elected pursuant to clause 6(2)(a) or (b) is cancelled, the person ceases to be a director on the day on which the teacher's certificate is cancelled.

Officers and employees

13(1) The officers of the regulatory board are to be those that are:

(a) designated in the bylaws; and

(b) appointed or elected in accordance with the bylaws.

(2) The board of directors shall appoint a chief operating officer.

(3) The chief operating officer may:

(a) appoint a registrar; and

(b) engage any employees that the board of directors considers necessary to carry out the duties and functions of the regulatory board.

(4) Subject to this Act and the bylaws, the board of directors shall determine the duties, responsibilities and remuneration of employees of the regulatory board.

Committees

14(1) The board of directors may establish any committees that are provided for by the bylaws or that it considers necessary.

(2) The board of directors shall appoint persons to any committees that are provided for by this Act or the bylaws or that it has established pursuant to subsection (1).

(3) Subject to this Act and the bylaws, the board of directors, on any terms or conditions that it may determine, may delegate any of its powers or duties to a committee provided for by this Act or the bylaws or established pursuant to subsection (1).

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- (4) The board of directors shall not delegate the power to make bylaws.
 - (5) Subject to this Act and the bylaws, a committee may establish its own procedures.

BYLAWS

Procedures

- 15(1)** The board of directors, with the approval of not less than a two-thirds majority of its members, may make bylaws for any purpose set out in section 16.
- (2) The chief operating officer shall notify each registered teacher of each bylaw made pursuant to subsection (1) within 150 days after the bylaw is made.
- (3) Failure to comply with subsection (2) does not invalidate a bylaw.
- (4) No regulatory bylaw made by the board of directors comes into force until it is:
 - (a) approved by the minister pursuant to section 17; and
 - (b) published in the Gazette.
- (5) An administrative bylaw comes into force on the later of:
 - (a) the day on which it is filed pursuant to subsection 17(4); and
 - (b) the date specified in the bylaw.

Bylaws

- 16(1)** Subject to this Act, administrative bylaws may be made pursuant to section 15 for the following purposes:
 - (a) prescribing the seal of the regulatory board;
 - (b) providing for the execution of documents by the regulatory board;
 - (c) respecting the banking and financial dealings of the regulatory board;
 - (d) fixing the fiscal year of the regulatory board and providing for the audit of the accounts and transactions of the regulatory board;
 - (e) respecting the management of the property of the regulatory board;
 - (f) prescribing the duties of the officers and employees of the regulatory board;
 - (g) prescribing the remuneration and reimbursement for expenses for:
 - (i) directors; and
 - (ii) committee members;
 - (h) respecting the holding and procedures of meetings of the board of directors;
 - (i) prescribing the amount of certification fees, registration fees and other fees payable to the regulatory board, the times of payment and penalties for late payment;
 - (j) providing for the receipt, management and investment of contributions, donations or bequests;
 - (k) establishing and governing scholarships and bursaries;
 - (l) regulating joint participation by the regulatory board with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the regulatory board;

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- (m) establishing any committees that the board of directors considers necessary, prescribing the manner of election, appointment or removal of committee members, determining the duties of committees and establishing procedures for the operation of committees;
 - (n) providing for any other thing that is necessary for the effective administration of the regulatory board.
- (2) Subject to this Act, regulatory bylaws may be made pursuant to section 15 for the following purposes:
- (a) governing the procedures for the appointment or election of directors pursuant to clause 6(2)(a);
 - (b) prescribing the terms of office of directors appointed or elected pursuant to clause 6(2)(a);
 - (c) prescribing the organization, powers and procedures of the board of directors and regulating the board of directors in the performance of its duties;
 - (d) prescribing the form of the oath or affirmation required pursuant to section 9 and the manner in which it shall be made;
 - (e) setting out procedures for the purposes of determining whether a director has contravened the oath or affirmation required pursuant to section 9;
 - (f) governing conflict of interest with respect to directors and for members of committees, including prescribing conflict of interest rules or guidelines and setting out procedures for the purposes of determining whether the rules or guidelines have been broken;
 - (g) prescribing the conditions for disqualifying directors from sitting on the board of directors and for suspending a person from his or her office as a director and governing the removal of suspended or disqualified directors;
 - (h) prescribing the officers of the regulatory board and governing the procedure for the appointment, election or removal of those officers;
 - (i) prescribing the qualifications and standards of competency for the issuing of teacher's certificates or any category of teacher's certificates;
 - (j) prescribing:
 - (i) the procedures governing the issuing of teacher's certificates; and
 - (ii) the terms and conditions of teacher's certificates;
 - (k) prescribing the procedures governing applications for registration pursuant to section 23;
 - (l) prescribing:
 - (i) the procedures governing the issuing of temporary teaching permits; and
 - (ii) the terms and conditions of temporary teaching permits;
 - (m) governing persons who teach pursuant to temporary teaching permits;
 - (n) setting standards of professional conduct and competency of teachers;
 - (o) providing for a code of conduct for teachers;
 - (p) setting standards regarding the manner and method of practice of teachers;

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- (q) prescribing procedures for:
 - (i) the review, investigation and disposition of complaints by the professional conduct committee or the mediation of complaints alleging that a teacher is guilty of professional misconduct or professional incompetence;
 - (ii) hearings by the discipline committee of complaints alleging that a teacher is guilty of professional misconduct or professional incompetence;
 - (iii) reviews pursuant to subsection 26(4);
 - (r) establishing categories of certification and registration and prescribing the rights and privileges of each category;
 - (s) respecting the teacher education programs required to be successfully completed for the purposes of certification pursuant to this Act;
 - (t) prescribing the circumstances under which teachers are required to attend re-entry education programs and courses and approving programs and courses for that purpose;
 - (u) setting standards for continuing education and the participation of teachers in continuing education;
 - (v) governing the reinstatement of a person whose certification and registration has been cancelled;
 - (w) setting requirements for maintenance of certification and registration;
 - (x) establishing categories of practice and prescribing the requirements for admission to each of those categories and the registered rights and privileges associated with each category;
 - (y) regulating advertising by teachers;
 - (z) prescribing the form, content and maintenance of the register and the information to be provided by teachers for the purposes of the register;
 - (aa) respecting the reporting and publication of decisions and reports of the board of directors and committees;
 - (bb) respecting the types and service of notices that may be served electronically;
 - (cc) establishing processes for the assessment of the competency of teachers;
 - (dd) defining activities that constitute a conflict of interest and prohibiting the participation of teachers in those activities;
 - (ee) prescribing any other matters considered necessary for the better carrying out of this Act.

Filing of bylaws

17(1) The regulatory board shall file with the minister two copies, certified by the chief operating officer to be true copies, of:

- (a) all regulatory bylaws; and
- (b) any amendment to a regulatory bylaw together with two certified copies of the regulatory bylaw to which the amendment relates.

(2) If the minister does not advise the regulatory board in writing within 90 days after receiving copies of the regulatory bylaw or amendment that the minister approves the regulatory bylaw or amendment, the regulatory bylaw or amendment is deemed not to be approved.

(3) If the minister approves a regulatory bylaw or an amendment to a regulatory bylaw, the minister shall file with the Director of Corporations two copies, certified by the chief operating officer to be true copies, of the regulatory bylaw or amendment.

(4) Within 30 days after an administrative bylaw or an amendment to an administrative bylaw is made, the board of directors shall file with the Director of Corporations two copies, certified by the chief operating officer to be true copies, of the administrative bylaw or amendment.

(5) If an administrative bylaw or an amendment to an administrative bylaw is not filed within the 30-day period mentioned in subsection (4), the administrative bylaw or amendment is deemed to be revoked on the expiration of the period.

Ministerial bylaws

18(1) The minister may request the board of directors to amend or revoke a regulatory bylaw or to make a new regulatory bylaw if the minister is satisfied that it is necessary or advisable.

(2) If the minister makes a request pursuant to subsection (1), the board of directors shall be provided with the reasons for the request and, if the minister considers it appropriate, a draft of a bylaw to amend or revoke the regulatory bylaw or a draft of a new regulatory bylaw.

(3) If the board of directors does not comply with a request pursuant to subsection (1) within 90 days after the date of the request, the minister may amend or revoke the existing regulatory bylaw or make the new regulatory bylaw in accordance with that request.

(4) A regulatory bylaw made pursuant to this section or an amendment or revocation of a regulatory bylaw pursuant to this section comes into force on the day on which it is published in the Gazette.

(5) If the minister makes, amends or revokes a regulatory bylaw, the minister shall file with the Director of Corporations two copies of the regulatory bylaw, amendment or revocation.

TEACHER'S CERTIFICATES AND TEMPORARY TEACHING PERMITS

Issuance of teacher's certificate

19(1) The board of directors may issue a teacher's certificate to a person who produces evidence establishing to the satisfaction of the board of directors that the person:

- (a) has successfully completed a prescribed teacher education program;
- (b) has complied with the bylaws with respect to certification; and
- (c) has paid the prescribed certification fee.

(2) Notwithstanding subsection (1), the board of directors may issue a teacher's certificate to a person who produces evidence establishing to the satisfaction of the board of directors that the person:

- (a) is registered as the equivalent of a teacher in good standing pursuant to the legislation of another jurisdiction in Canada;
- (b) has complied with the bylaws with respect to certification; and
- (c) has paid the prescribed certification fee.

(3) The board of directors may issue a restricted teacher's certificate to a person who:

- (a) does not fully meet the requirements of clauses (1)(a) and (b);
- (b) agrees to practise in accordance with the terms and conditions specified on the restricted teacher's certificate;
- (c) has otherwise complied with the bylaws with respect to certification; and
- (d) has paid the prescribed certification fee.

(4) A person granted a restricted teacher's certificate shall comply with the bylaws governing restricted teacher's certificates.

Written reasons if certification denied, etc.

20 The board of directors shall give an applicant written reasons for its decision:

- (a) to deny the applicant a teacher's certificate;
- (b) to issue a type of teacher's certificate other than the type for which the applicant applied; or
- (c) to impose a term or condition on the teacher's certificate.

Reconsideration of decision

21(1) In accordance with the bylaws, an applicant for a teacher's certificate may request that the board of directors reconsider its decision:

- (a) to deny the applicant a teacher's certificate;
- (b) to issue a type of teacher's certificate other than the type for which the applicant applied; or
- (c) to impose a term or condition on the teacher's certificate.

(2) On receipt of a request pursuant to subsection (1), the board of directors may:

- (a) consider information that was not before it at the time of making its original decision; and
- (b) confirm, vary or reverse its original decision.

(3) The board of directors shall give the applicant written reasons for its decision on reconsideration.

Issuance of temporary teaching permit

22(1) If an employer is unable to recruit a qualified teacher to fill a position for which a teacher's certificate is otherwise required, the employer may apply to the board of directors in accordance with the bylaws for the issuance of a temporary teaching permit to the person that the employer proposes to employ or retain to temporarily fill the teaching position.

(2) The board of directors may issue a temporary teaching permit to that person if the board of directors:

- (a) receives a written application pursuant to subsection (1);
- (b) receives a copy of the advertisement that the employer used to recruit to the position; and
- (c) is satisfied that the employer has made all reasonable efforts to recruit a qualified teacher to fill the position.

(3) Subject to subsection (4), a temporary teaching permit issued pursuant to subsection (2) is valid until the end of the school year for which it is issued.

(4) The board of directors may suspend or cancel a temporary teaching permit if the holder of the permit fails to comply with any term or condition of the permit.

(5) A probationary teacher's certificate that was issued pursuant to *The Education Act, 1995* and the regulations made pursuant to that Act and that was in existence on the day before this Act came into force is deemed to be a temporary teacher's permit issued pursuant to this section and may be suspended, cancelled or otherwise dealt with as if it were issued pursuant to this Act.

REGISTRATION**Registration**

23(1) The board of directors may register a person as a registered teacher, for a maximum period of one year, if the person produces evidence establishing to the satisfaction of the board of directors that the person:

- (a) holds a valid teacher's certificate;
- (b) has complied with the bylaws with respect to registration; and
- (c) has paid the prescribed registration fee.

(2) A person's teacher's certificate is deemed to have been issued pursuant to this Act, and may be suspended, cancelled or otherwise dealt with as if it were issued pursuant to this Act, if the person:

- (a) on the day before this Act came into force, held a valid teacher's certificate issued pursuant to *The Education Act, 1995* or any predecessor of that Act;
- (b) applies to the board of directors for registration;
- (c) produces evidence establishing to the satisfaction of the board of directors that the person has complied with the bylaws with respect to registration;
- (d) pays the prescribed registration fee; and
- (e) is accepted by the board of directors for registration.

Written reasons if registration denied, etc.

24(1) The board of directors shall give an applicant written reasons for its decision if the board of directors:

- (a) refuses to register the applicant; or
 - (b) imposes a term or condition on the applicant's registration.
- (2) In accordance with the bylaws, an applicant for registration may request that the board of directors reconsider its decision:
- (a) to refuse to register the applicant; or
 - (b) to impose a term or condition on the applicant's registration.
- (3) On receipt of a request pursuant to subsection (2), the board of directors may:
- (a) consider information that was not before it at the time of making its original decision; and
 - (b) confirm, vary or reverse its original decision.
- (4) The board of directors shall give the applicant written reasons for its decision on reconsideration.

Register of teachers

25(1) In accordance with the bylaws, the board of directors shall maintain a register in which is to be recorded the name, address and registration status of:

- (a) each person to whom a teacher's certificate is issued or deemed to have been issued pursuant to this Act; and
 - (b) each person to whom a temporary teaching permit is issued or deemed to have been issued pursuant to this Act.
- (2) The register is to be:
- (a) kept at the head office of the regulatory board; and
 - (b) open for inspection by all persons, without fee, during normal office hours of the regulatory board.
- (3) The following documents are admissible in evidence as proof, in the absence of evidence to the contrary, of their contents without proof of the registrar's appointment or signature:
- (a) a certificate purporting to be signed by the registrar and stating that:
 - (i) according to the register, a named person was or was not, on a specified day or during a specified period:
 - (A) a teacher, a registered teacher or a suspended teacher, as the case may be; or
 - (B) the holder of a temporary teaching permit; or
 - (ii) the teacher's certificate or the temporary teaching permit of a named person was or was not, on a specified day or during a specified period, suspended, cancelled, restricted or subject to terms or conditions according to the register; or
 - (b) an extract from the register that is certified by the registrar.

Delegation and review

26(1) The board of directors may delegate to the registrar the power to do all or any of the following:

- (a) issue teacher's certificates and temporary teaching permits;
- (b) register teachers pursuant to section 23;
- (c) collect fees;
- (d) maintain the register.

(2) If a power is delegated pursuant to this section, the exercise of that power by the registrar is deemed to be an exercise of the power by the board of directors.

(3) The board of directors may impose any terms and conditions that it considers appropriate on a delegation of its powers.

(4) A person who is aggrieved by a decision of the registrar made pursuant to a delegated power may apply to the board of directors to review that decision.

(5) On a review pursuant to subsection (4), the board of directors shall hear the review and may:

- (a) direct the registrar to exercise the power in a manner that the board of directors considers appropriate; or
- (b) confirm the registrar's decision.

(6) On a review pursuant to subsection (4), the person aggrieved by the decision of the registrar has the right to appear in person before the board of directors in support of the application.

(7) The board of directors shall cause the applicant to be informed in writing of its decision regarding the review.

Surrender of certificate or permit

27(1) A person may surrender his or her teacher's certificate or temporary teaching permit by filing a notice of surrender in writing with the regulatory board.

(2) The teacher's certificate or temporary teaching permit of a person who files a notice of surrender pursuant to subsection (1) is cancelled, and the board of directors:

- (a) shall record that fact in the register; and
- (b) may notify all or any of the following of the cancellation:
 - (i) employers;
 - (ii) the Saskatchewan Teachers' Federation;
 - (iii) teacher registration bodies in other jurisdictions.

PROHIBITION

Prohibited practices

- 28(1)** No person other than the holder of a valid teacher's certificate shall hold himself or herself out as a teacher or imply that he or she is a teacher.
- (2) No person other than a registered teacher shall:
- (a) hold himself or herself out to be a registered teacher; or
 - (b) accept employment in a position for which a teacher's certificate is required.
- (3) Clause (2)(b) does not apply to:
- (a) a student teacher working under the supervision of a registered teacher; or
 - (b) a person employed or retained pursuant to a temporary teaching permit.

Obligations on employer

- 29(1)** No employer shall employ or retain a person in a position for which a teacher's certificate is required unless that person is a registered teacher.
- (2) No employer shall fail to ensure that a person whom the employer has employed or retained in a position for which a teacher's certificate is required maintains, throughout the period of employment in that position, his or her status as a registered teacher.
- (3) Subsections (1) and (2) do not apply with respect to a person employed or retained pursuant to a temporary teaching permit.

DISCIPLINE

Interpretation re discipline provisions

- 30** In sections 31 to 48, "**registered teacher**" includes a former registered teacher.

Proceedings against former registered teachers

- 31(1)** No proceedings conducted pursuant to this Act shall be commenced against a former registered teacher more than two years after the day on which he or she became a former registered teacher.
- (2) For the purposes of this section, a proceeding is commenced when the professional conduct committee, pursuant to subsection 36(1), is requested by the board of directors to consider a complaint or is in receipt of an employer notice or a written complaint alleging that a registered teacher is guilty of professional misconduct or professional incompetence.

Professional incompetence

32 Professional incompetence is a question of fact, but the display by a registered teacher of a lack of knowledge, skill or judgment or a disregard for the welfare of a student or other member of the public served by the profession of a nature or to an extent that demonstrates that the registered teacher is unfit to:

- (a) continue in the practice of the profession; or
- (b) provide one or more services ordinarily provided as a part of the practice of the profession;

is professional incompetence within the meaning of this Act.

Professional misconduct

33 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, constitutes professional misconduct within the meaning of this Act if:

- (a) it is harmful to the best interests of students or other members of the public;
- (b) it tends to harm the standing of the profession;
- (c) it is a breach of this Act or the bylaws; or
- (d) it is a failure to comply with an order of the professional conduct committee, the discipline committee or the board of directors.

Professional conduct committee

34(1) The professional conduct committee is established consisting of at least five persons appointed by the board of directors:

- (a) the majority of whom are to be registered teachers; and
 - (b) at least one of whom is not a registered teacher.
- (2) No member of the discipline committee is eligible to be appointed as a member of the professional conduct committee.

Employer notices

35(1) An employer shall immediately provide written notice to the board of directors regarding the suspension, termination, resignation or retirement from employment of a registered teacher employed or retained by the employer in a position for which a teacher's certificate is required if the suspension, termination, resignation or retirement, as the case may be, results from conduct that the employer reasonably believes constitutes professional incompetence or professional misconduct.

- (2) An employer notice pursuant to subsection (1) must:
- (a) be in the form required by the board of directors; and
 - (b) set out the reasons for the employer's beliefs and the action taken to address the situation, which may include:
 - (i) the employer suspending or terminating the contract of employment with the registered teacher;
 - (ii) the employer and the registered teacher agreeing, in writing, to the termination of the registered teacher's contract of employment; or
 - (iii) the registered teacher resigning or retiring.
- (3) No action or proceeding lies or shall be commenced against any person for anything in good faith done or purported to be done by that person in the carrying out or supposed carrying out of the duty to report imposed on that person pursuant to this section.

Investigation

36(1) If the professional conduct committee is requested by the board of directors to consider a complaint or is in receipt of an employer notice or a written complaint alleging that a registered teacher is guilty of professional misconduct or professional incompetence, the professional conduct committee shall:

- (a) review the complaint or the employer notice, as the case may be; and
- (b) investigate the complaint or the employer notice, as the case may be, by taking any steps it considers necessary, including:
 - (i) summoning before it the registered teacher whose conduct is the subject of the complaint or the employer notice; or
 - (ii) assessing the registered teacher's competence.

(2) On completion of its investigation, the professional conduct committee shall make a written report to the discipline committee recommending:

- (a) that the discipline committee hear and determine the formal complaint set out in the written report; or
- (b) that no further action be taken with respect to the matter under investigation because:
 - (i) the matter has been resolved with the consent of the complainant and the registered teacher who is the subject of the investigation; or
 - (ii) in the opinion of the professional conduct committee, no further action is warranted on the facts of the case.

(3) The formal complaint set out in a written report made pursuant to clause (2)(a) may relate to any matter disclosed in the complaint or the employer notice received pursuant to subsection (1) or the investigation conducted pursuant to subsection (1).

(4) A report signed by a majority of the professional conduct committee is the decision of that committee.

(5) The professional conduct committee shall provide, or cause the chief operating officer to provide, a copy of a written report made pursuant to clause (2)(b) to:

- (a) the board of directors;
- (b) the complainant;
- (c) the registered teacher whose conduct is the subject of the complaint or the employer notice mentioned in subsection (1); and
- (d) the registered teacher's employer, if the investigation arose from an employer notice received from the registered teacher's employer.

Temporary suspension

37(1) If the professional conduct committee is of the opinion that, on the basis of the allegations or the nature of the case, the teacher's certificate of a registered teacher should be suspended or a registered teacher should be prohibited from performing certain teacher-related activities pending the outcome of an investigation or hearing, the professional conduct committee may, with the prior approval of the board of directors, apply to a judge of the court for an order:

- (a) suspending the teacher's certificate of the registered teacher whose conduct is the subject of the investigation pursuant to subsection 36(1) or against whom a formal complaint has been made pursuant to clause 36(2)(a); or
 - (b) temporarily:
 - (i) prohibiting the registered teacher described in clause (a) from performing any specified teacher-related activities; and
 - (ii) imposing certain terms or conditions on the person's teacher's certificate.
- (2) Subject to subsection (3), an order of suspension or prohibition shall not extend past the earliest of the following:
- (a) 90 days after the date of the order;
 - (b) the date of a report of the professional conduct committee made pursuant to clause 36(2)(b);
 - (c) if the discipline committee finds that a registered teacher is not guilty of professional misconduct or professional incompetence, the day of its decision;
 - (d) if the discipline committee finds that a registered teacher is guilty of professional misconduct or professional incompetence, the day that an order is made pursuant to section 40.
- (3) The professional conduct committee may apply to the court for an extension of an order of suspension or prohibition made pursuant to subsection (1).

Discipline committee

38(1) The discipline committee is established consisting of at least five persons appointed by the board of directors:

- (a) the majority of whom are to be registered teachers; and
 - (b) one of whom is a director appointed pursuant to section 7.
- (2) No member of the professional conduct committee is eligible to be appointed as a member of the discipline committee.
- (3) Subject to this Act and the bylaws, the discipline committee may make rules regulating its business and proceedings.

Discipline hearing

- 39(1) If a report of the professional conduct committee recommends that the discipline committee hear and determine a formal complaint, the chief operating officer shall, at least 10 business days before the day on which the discipline committee is to sit:
- (a) send a copy of the formal complaint to the registered teacher whose conduct is the subject of the hearing; and
 - (b) serve notice on the registered teacher whose conduct is the subject of the hearing of the date, time and place of the hearing.
- (2) The professional conduct committee shall prosecute or direct the prosecution of the complaint, but its members shall not participate in any other manner in the hearing of the complaint except as witnesses when required.
- (3) The discipline committee shall hear the complaint and shall determine whether or not the registered teacher is guilty of professional misconduct or professional incompetence, notwithstanding that the determination of a question of fact may be involved, and the discipline committee need not refer any question to a court for adjudication.
- (4) The discipline committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.
- (5) The discipline committee may employ, at the expense of the regulatory board, any legal or other assistance that it considers necessary, and the registered teacher whose conduct is the subject of the hearing may, at his or her own expense, be represented by counsel.
- (6) The testimony of witnesses is to be under oath or affirmation administered by the chairperson of the discipline committee.
- (7) At a hearing by the discipline committee, there is to be full right:
- (a) to examine, cross-examine and re-examine all witnesses; and
 - (b) to present evidence in defence and reply.
- (8) On application and payment of the appropriate fee, the local registrar of the court at any judicial centre shall issue writs of *subpoena ad testificandum* or *subpoena duces tecum* to:
- (a) the registered teacher whose conduct is the subject of a hearing pursuant to this Act;
 - (b) a member of the professional conduct committee; or
 - (c) a member of the discipline committee.
- (9) If a writ issued pursuant to subsection (8) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.
- (10) If the registered teacher whose conduct is the subject of the hearing fails to attend the hearing, the discipline committee, on proof of service of the notice mentioned in subsection (1), may proceed with the hearing in the teacher's absence.
- (11) If, during the course of a hearing, the evidence shows that the registered teacher whose conduct is the subject of the hearing may be guilty of a charge different from or in addition to any charge specified in the formal complaint, the discipline committee shall notify the registered teacher of that fact.

(12) If the discipline committee proposes to amend, add to or substitute the charge in the formal complaint, the discipline committee shall adjourn the hearing for any period that the discipline committee considers sufficient to give the registered teacher an opportunity to prepare a defence to the amended formal complaint, unless the registered teacher consents to continue the hearing.

(13) The registered teacher's employer and any other person, if any, who made the complaint pursuant to section 36:

(a) are to be advised orally or in writing by the chief operating officer of the date, time and place of the hearing; and

(b) subject to subsection (15), are entitled to attend the hearing.

(14) Subject to subsection (15), the discipline committee shall conduct all hearings in public.

(15) The discipline committee may exclude members of the public and the person who made the complaint from any part of the hearing if the committee is of the opinion that evidence brought in the presence of the person or persons to be excluded will unduly violate the privacy of a person other than the teacher whose conduct is the subject of the hearing.

Disciplinary powers

40(1) If the discipline committee finds a registered teacher guilty of professional misconduct or professional incompetence, it may make one or more of the following orders:

(a) an order that the person's teacher's certificate be cancelled;

(b) an order that the person's teacher's certificate be suspended for a specified period;

(c) an order that the person's teacher's certificate be suspended pending the satisfaction and completion of any terms and conditions specified in the order;

(d) an order that the registered teacher may continue to practise only under terms and conditions specified in the order, which may include, but are not restricted to, an order that the registered teacher:

(i) not do specified types of work;

(ii) successfully complete specified classes or courses of instruction;

(iii) obtain medical or other treatment or counselling or both;

(e) an order reprimanding the registered teacher;

(f) any other order that the discipline committee considers just.

(2) In addition to any order made pursuant to subsection (1), the discipline committee may order:

(a) that the registered teacher pay to the regulatory board, within a fixed period:

(i) a fine in a specified amount not exceeding \$5,000; and

(ii) the costs of the investigation and hearing into the registered teacher's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and costs of legal services and witnesses; and

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- (b) if a registered teacher fails to make payment in accordance with an order pursuant to clause (a), that his or her teacher's certificate be suspended.
- (3) After the conclusion of its hearing pursuant to section 39, the discipline committee shall:
- (a) make its decision as soon as possible; and
 - (b) within 10 business days after the decision, send to the registered teacher whose conduct is the subject of the complaint, the registered teacher's employer, and the person, if any, who made the complaint:
 - (i) a copy of its decision; and
 - (ii) if the discipline committee makes an order pursuant to this section, a copy of the order.
- (4) If the discipline committee finds a registered teacher guilty of professional misconduct or professional incompetence, the registrar shall record that fact in the register and make a notation in the register of the order made against that person including, as the case requires, that the person's teacher's certificate is:
- (a) cancelled pursuant to clause (1)(a);
 - (b) suspended pursuant to clause (1)(b) or (c); or
 - (c) subject to terms and conditions pursuant to clause (1)(d).
- (5) Subject to subsection (6), if the discipline committee finds a registered teacher guilty of professional misconduct or professional incompetence, the discipline committee may notify, or cause the chief operating officer to notify, all or any of the following of the findings of the discipline committee and of the order made against the registered teacher:
- (a) employers;
 - (b) the Saskatchewan Teachers' Federation;
 - (c) teacher registration bodies in other jurisdictions.
- (6) Notification shall not be provided pursuant to subsection (5) until:
- (a) any appeal pursuant to section 45 has been disposed of; or
 - (b) the time for bringing an appeal pursuant to section 45 has expired and no appeal has been brought.

Continuity of committee

41 If an investigation is commenced by the professional conduct committee or a hearing is commenced by the discipline committee and the term of office of a member of the committee expires before the investigation or hearing is disposed of, the person shall remain a member of the professional conduct committee or the discipline committee, as the case may be, for the purposes of completing the investigation or hearing, in the same manner as if the member's term of office had not expired.

Criminal conviction

42 The discipline committee may make any order pursuant to section 40 if:

- (a) the registered teacher has been convicted of an offence pursuant to the *Criminal Code*, the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada);

- (b) a report of the professional conduct committee is made to the discipline committee respecting the conviction mentioned in clause (a);
- (c) the discipline committee has given the registered teacher mentioned in clause (a) an opportunity to be heard; and
- (d) the discipline committee finds that the conduct of the registered teacher giving rise to the conviction is professional misconduct.

Duty to report

43 If the professional conduct committee in its investigation pursuant to section 36 or the discipline committee at the conclusion of its hearing pursuant to section 39 believes that the registered teacher whose conduct is the subject of the investigation or hearing may be guilty of a criminal offence, the committee may immediately discontinue its investigation or hearing, as the case may be, and shall make a report of its findings to:

- (a) the chairperson of the board of directors; and
- (b) the Deputy Minister of Justice.

Suspension

44 A judge of the court, on the application of the board of directors, may direct that the teacher's certificate of a registered teacher be suspended pending the disposition of a criminal charge if:

- (a) a criminal charge is laid against the registered teacher; and
- (b) the registered teacher has applied to the court for a stay of any disciplinary proceedings against him or her.

Appeal to court

45(1) A registered teacher may appeal the decision or any order of the discipline committee to a judge of the court by serving the chief operating officer with a notice of appeal and filing the notice with the local registrar within 30 days after the decision or order if:

- (a) the registered teacher has been found guilty of professional misconduct or professional incompetence by the discipline committee; or
 - (b) the registered teacher is subject to an order made pursuant to section 42.
- (2) An appellant shall set out the grounds of appeal in a notice of appeal mentioned in subsection (1).
- (3) On receipt of a notice of appeal, the chief operating officer shall file with the local registrar a true copy of:
- (a) the formal complaint sent and notice served pursuant to section 39 or the report of the professional conduct committee pursuant to section 42;
 - (b) the transcript of the evidence presented to the discipline committee; and
 - (c) the decision and order of the discipline committee.
- (4) The appellant or the appellant's solicitor or agent may obtain from the chief operating officer a copy of the documents filed pursuant to subsection (3) on payment of the costs of producing them.

- (5) On hearing an appeal, the judge may:
 - (a) dismiss the appeal;
 - (b) quash the finding of guilt;
 - (c) direct a new hearing or further inquiries by the discipline committee;
 - (d) affirm or vary the order of the discipline committee; or
 - (e) substitute his or her own decision for the decision appealed from.
- (6) The judge may make any order as to costs that he or she considers appropriate.

Effect of appeal

46 The commencement of an appeal pursuant to section 45 does not stay the effect of the decision or order appealed from, but, on five days' notice to the chief operating officer, the appellant may apply to the court for a stay of the decision or order pending the disposition of the appeal.

Effect of cancellation or suspension

47 If the teacher's certificate of a registered teacher is cancelled or suspended, the registered teacher's rights and privileges as a teacher are removed for the period during which his or her teacher's certificate is cancelled or suspended.

Reinstatement

48(1) A person whose teacher's certificate has been cancelled may apply to the board of directors for the issuance of a new teacher's certificate and reinstatement as a registered teacher.

(2) Subject to the bylaws, on receipt of an application pursuant to subsection (1), the board of directors shall:

- (a) review the application; and
- (b) investigate the application by taking any steps it considers necessary.

(3) On completion of its investigation, the board of directors may:

- (a) if it is satisfied that the person's subsequent conduct and any other facts warrant the issuance of a new teacher's certificate and reinstatement of the person as a registered teacher, issue a new teacher's certificate to the person and reinstate the person as a registered teacher, on any terms and conditions that the board of directors considers appropriate; or
- (b) by order, refuse to issue a new teacher's certificate to the person.

(4) If, on an application pursuant to subsection (1), the board of directors refuses to issue a new teacher's certificate to the person, the person, within 30 days after the date of the order, may appeal the order of the board of directors to a judge of the court, and the judge may allow or disallow the appeal.

(5) On an appeal pursuant to subsection (4), the judge shall consider:

- (a) the proceedings before the board of directors on the application for the issuance of a new teacher's certificate and reinstatement as a registered teacher;
- (b) the past record of the appellant as shown by the books and records of the regulatory board; and

- (c) the evidence taken before the board of directors and any committee that dealt with the cancellation of the teacher's certificate and application for reinstatement and the report of that committee.
- (6) A person whose application for reinstatement is refused or whose appeal of a refusal is dismissed may make another application for reinstatement, based on new information, at any time.

GENERAL

Immunity

49 No action lies or shall be commenced against:

- (a) members of the board of directors;
- (b) the professional conduct committee;
- (c) the discipline committee;
- (d) any member of any committee; or
- (e) any officer, employee or agent of the regulatory board;

for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the bylaws or in the carrying out or supposed carrying out of any decision or order made pursuant to this Act or the bylaws or any duty imposed by this Act or the bylaws.

Offence and penalty

50 Every person who contravenes a provision of section 28 or 29 is guilty of an offence and liable on summary conviction to a fine of:

- (a) for a first offence, not more than \$2,000;
- (b) for a second offence, not more than \$4,000; and
- (c) for each subsequent offence, not more than \$6,000 or to imprisonment for a term of not more than six months, or to both.

Limitation of prosecution

51 No prosecution for a contravention of a provision of section 28 or 29 is to be commenced:

- (a) after the expiration of 24 months from the date of the alleged offence; and
- (b) without the consent of the Minister of Justice or the board of directors.

Review by Legislative Assembly

52(1) One copy of every bylaw and amendment filed with the Director of Corporations pursuant to section 17 or 18 is to be laid before the Legislative Assembly by the minister responsible for *The Business Corporations Act* in accordance with section 13 of *The Executive Government Administration Act*.

(2) If any bylaw or amendment laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, that bylaw or amendment ceases to have any effect and is deemed to have been revoked.

Record of revocation and notification

53(1) If it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw or amendment has ceased to have effect, the Clerk of the Legislative Assembly shall immediately:

- (a) forward two copies of the Votes and Proceedings to the Director of Corporations; and
- (b) advise him or her that the copies are forwarded pursuant to this subsection.

(2) On receipt of the copies mentioned in subsection (1), the Director of Corporations shall immediately:

- (a) file one of the copies with the bylaw or amendment to which it relates;
- (b) forward the other copy to the regulatory board; and
- (c) advise the regulatory board that the copy is forwarded pursuant to this subsection.

Annual register

54 On or before February 1 in each year, the regulatory board shall file with the Director of Corporations a list, certified by the registrar to be a true list, showing:

- (a) the names of all registered teachers as at December 31 of the preceding year;
- (b) the addresses of the registered teachers mentioned in clause (a) as shown by the records of the regulatory board; and
- (c) the respective dates of certification of the registered teachers mentioned in clause (a).

Annual report

55 The regulatory board shall file an annual report with the minister in the form, with the contents and in the time determined by the minister.

Compliance

56 Every teacher shall comply with this Act and the bylaws.

Service of notices, etc.

57(1) Unless otherwise provided for in this Act or the bylaws, any notice or other document that is required to be served pursuant to this Act may be served by:

- (a) personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a corporation, on any officer or director; or
- (b) registered mail addressed to the last business or residential address of the person to be served known to the registrar.

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- (2) A notice or document sent by registered mail is deemed to have been served on the tenth business day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the notice or document or received it at a later date.
- (3) If it is for any reason impractical to effect service of any documents in the manner provided for in subsection (1), the court, on an application without notice, may make an order for substituted service.
- (4) A document served in accordance with the terms of an order mentioned in subsection (3) is deemed to have been properly served.

TRANSITIONAL

Transitional—board of directors

- 58(1)** The Lieutenant Governor in Council shall appoint a transitional board of directors to manage and govern the affairs of the regulatory board on and from the day on which this Act comes into force and until the transitional board of directors is dissolved by the Lieutenant Governor in Council.
- (2) The transitional board of directors mentioned in subsection (1) is to consist of:
- (a) three members recommended by the Saskatchewan Teachers' Federation;
 - (b) one member recommended by the League of Educational Administrators, Directors and Superintendents;
 - (c) three members who are teachers, but only one of whom may be a member of the Saskatchewan Teachers' Federation; and
 - (d) two members who are not teachers.
- (3) The members of the transitional board of directors are to be remunerated by and receive reimbursement for expenses from the regulatory board in the prescribed amount.
- (4) A member of the transitional board of directors may resign by giving written notice of his or her resignation to the minister.
- (5) The Lieutenant Governor in Council shall fill any vacancy on the transitional board of directors with a person who meets the same criteria listed in subsection (2) as the person who resigned from the transitional board of directors.
- (6) A vacancy in the membership of the transitional board of directors does not impair the power of the remaining members of the transitional board of directors to act.
- (7) In addition to making bylaws for any of the purposes set out in section 16, the transitional board of directors shall pass any necessary bylaws for the purpose of appointing or electing directors pursuant to clause 6(2)(a), and shall conduct any election on or before a date to be set by the Lieutenant Governor in Council.
- (8) The members of the board of directors appointed or elected pursuant to section 6 and those persons appointed to the board of directors pursuant to section 7 constitute the board of directors from and after the date on which the transitional board of directors is dissolved by the Lieutenant Governor in Council pursuant to subsection (1).

Transitional—transfer of register

59 The minister shall transfer to the regulatory board the register of teachers established and maintained by the minister pursuant to section 209.6 of *The Education Act, 1995*, as that section existed on the day before this Act came into force.

CONSEQUENTIAL AMENDMENTS

S.S. 1990-91, c.L-9.02 amended

60(1) *The League of Educational Administrators, Directors and Superintendents Act, 1991* is amended in the manner set forth in this section.

(2) Clause 6(a) is amended by adding “the Saskatchewan Professional Teachers Regulatory Board,” after “Minister of Education.”

(3) Sections 37 and 38 are repealed and the following substituted:

“Professional misconduct

37 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, constitutes professional misconduct within the meaning of this Act if:

- (a) it is harmful to the best interests of students, other members of the public, or the members;
- (b) it tends to harm the standing of the profession of educational administration;
- (c) it is a breach of this Act or the bylaws; or
- (d) it is a failure to comply with an order of the professional relations committee, the discipline committee or the executive.

“Professional incompetence

38 Professional incompetence is a question of fact, but the display by a member of a lack of knowledge, skill or judgment or a disregard for the welfare of a student or other member of the public served by the profession of a nature or to an extent that demonstrates that the member is unfit to:

- (a) continue in the practice of the profession of educational administration; or
- (b) provide one or more services ordinarily provided as a part of the practice of the profession;

is professional incompetence within the meaning of this Act”.

(4) Subsection 39(2) is repealed and the following substituted:

“(2) On completion of its investigation pursuant to subsection (1), the professional relations committee shall make a written report to the discipline committee recommending:

- (a) that the discipline committee hear and determine the formal complaint set out in the written report;
- (b) that the matter be referred to the Saskatchewan Professional Teachers Regulatory Board; or
- (c) that no further action be taken with respect to the matter under investigation”.

(5) **Clause 47(3)(f) is repealed.**

(6) **Clause 50(f) is repealed.**

(7) Notwithstanding the amendments to *The League of Educational Administrators, Directors and Superintendents Act, 1991* made pursuant to this section, any investigation or hearing commenced pursuant to that Act that has not been concluded by the day on which this section comes into force shall be continued pursuant to and in conformity with *The League of Educational Administrators, Directors and Superintendents Act, 1991* as if that Act had not been amended by this section, and any order or penalty may be imposed as if that Act had not been amended by this section.

S.S. 2006, c.T-7.1 amended

61(1) *The Teachers' Federation Act, 2006* is amended in the manner set forth in this section.

(2) **Section 2 is amended:**

(a) **by repealing clause (f);**

(b) **by adding the following clause after clause (m):**

“(m.1) **‘ministry’** means the ministry over which the minister presides”;
and

(c) **by repealing clause (u) and substituting the following:**

“(u) **‘teacher’s certificate’** means teacher’s certificate as defined in *The Registered Teachers Act*”.

(3) **Clause 5(n) is amended by striking out “competency” and substituting “practice”.**

(4) **Clauses 15(p) to (r) are repealed and the following substituted:**

“(p) providing for a code of ethics for teachers;

“(p.1) providing for the standards of practice for teachers;

“(q) prescribing procedures for the review, investigation, hearing and disposition of complaints alleging that a member is guilty of breaching the code of ethics or the standards of practice for teachers;

“(r) prescribing for the ethics and practice committee:

(i) subject to subsection 22(1), the number of persons to be on the committee;

(ii) the terms of office of the members of the committee;

(iii) the qualifications required to be a member of the committee;

(iv) the quorum for the committee; and

(v) any other matter relating to the performance by the committee of its duties in the carrying on of its activities”.

(5) **The heading for Part VI is struck out and the following substituted:**

“PART VI
Ethics and Standards of Practice”.

(6) Clause 21(a) is repealed and the following substituted:

“(a) ‘**committee**’ means the ethics and practice committee established pursuant to subsection 22(1)”.

(7) Sections 22 to 28 are repealed and the following substituted:

“Ethics and practice committee

22(1) The ethics and practice committee is established consisting of at least five persons appointed by the council.

(2) If there is a vacancy on the ethics and practice committee, the executive may appoint a person to fill the vacancy until the next meeting of council.

(3) The failure to make an appointment pursuant to subsection (2) or the absence or inability to act of a person appointed pursuant to subsection (1) does not impair the ability of the other members of the committees to act.

(4) Subject to this Act and the bylaws, the ethics and practice committee may make rules regulating its business and procedure.

“Public appointee

23(1) The Lieutenant Governor in Council may appoint one person who resides in Saskatchewan as a member of the ethics and practice committee.

(2) If the Lieutenant Governor in Council appoints a person as a member of the ethics and practice committee, the term of office of that person is not to exceed three years.

(3) A person appointed pursuant to subsection (1) holds office until that person’s successor is appointed and is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.

(4) A person appointed pursuant to subsection (1) ceases to hold office if that person ceases to be a resident of Saskatchewan.

(5) A member of the ethics and practice committee appointed pursuant to this section may exercise rights and serve as a member of the committee to the same extent as other members of the ethics and practice committee.

(6) The failure to make an appointment pursuant to subsection (1) or the absence or inability to act of the person appointed pursuant to subsection (1) does not impair the ability of the other members of the ethics and practice committee to act.

(7) The minister shall remunerate and reimburse for expenses the person appointed pursuant to subsection (1) at the rate determined by the Lieutenant Governor in Council.

“Complaints and preliminary investigation

24(1) Subject to subsection (2), the executive may on its own motion, and on the written complaint of any three members of the federation shall, make a preliminary investigation into the conduct or practice of any member, and, on completing its investigation, may order a hearing by the ethics and practice committee.

(2) All complaints that raise or potentially raise a question of professional misconduct or professional incompetence must be made to the Saskatchewan Professional Teachers Regulatory Board, and, if the executive receives a complaint pursuant to subsection (1) that raises or potentially raises a question of professional misconduct or professional incompetence, the executive shall immediately refer that complaint to the Saskatchewan Professional Teachers Regulatory Board.

(3) If, during a preliminary investigation pursuant to subsection (1) or after completing the preliminary investigation, the executive determines that the matter being investigated raises or potentially raises a question of professional misconduct or professional incompetence, the executive shall immediately refer the matter to the Saskatchewan Professional Teachers Regulatory Board.

“Hearing

25 The ethics and practice committee shall, on a written order of the executive or on its own motion, conduct a hearing to inquire into any complaint and determine whether or not a member is guilty of breaching the code of ethics or the standards of practice for teachers.

“Attendance at hearing

26(1) The ethics and practice committee shall serve notice on the member whose conduct or practice is the subject of the hearing at least 14 days before the hearing, setting out the allegations made against that member and specifying the date, time and place of the hearing.

(2) If the member whose conduct or practice is the subject of the hearing fails to attend the hearing, the ethics and practice committee, on proof of service of the notice mentioned in subsection (1), may proceed with the hearing in the member’s absence.

(3) If the member whose conduct or practice is the subject of the hearing does not appear and the ethics and practice committee proceeds in the member’s absence, and in any other case with the consent in writing of that member, the ethics and practice committee may, either as to the whole case or as to any particular fact, proceed and act on evidence by affidavit.

“Legal or other assistance

27(1) The ethics and practice committee may employ, at the expense of the federation, any legal or other assistance that it considers necessary.

(2) The member whose conduct or practice is the subject of the hearing may, at his or her own expense, be represented by counsel.

“Hearing procedure

28(1) The ethics and practice committee shall hear the complaint and shall determine whether or not the member is guilty of breaching the code of ethics or the standards of practice, as the case may be, notwithstanding that the determination of a question of fact may be involved, and the ethics and practice committee need not refer any question to a court for adjudication.

(2) The ethics and practice committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.

(3) The testimony of witnesses is to be under oath or affirmation administered by the chairperson of the committee.

(4) At a hearing, there is to be full right:

- (a) to examine, cross-examine and re-examine all witnesses; and
- (b) to present evidence in defence and reply.

(5) On application and payment of the appropriate fee, the local registrar of the court at any judicial centre shall issue writs of *subpoena ad testificandum* or *subpoena duces tecum* to:

- (a) the member whose conduct or practice is the subject of a hearing pursuant to this Act;
- (b) a member of the ethics and practice committee; or
- (c) the chief executive officer of the federation.

(6) If a writ issued pursuant to subsection (5) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.

(7) If, during the course of a hearing, the evidence shows that the member whose conduct or practice is the subject of the hearing may be guilty of a breach of the code of ethics or the standards of practice different from or in addition to any breach specified in the original complaint, the ethics and practice committee shall notify the member of that fact.

(8) If the ethics and practice committee proposes to amend, add to or substitute the breach of the code of ethics or the standards of practice specified in the original complaint, the ethics and practice committee shall adjourn the hearing for any period that it considers sufficient to give the member an opportunity to prepare a defence to the amended complaint, unless the member consents to continue the hearing.

(9) The person, if any, who made the written complaint mentioned in section 24:

- (a) is to be advised orally or in writing by the chief executive officer of the date, time and place of the hearing; and
- (b) subject to subsection (11), is entitled to attend the hearing.

(10) Subject to subsection (11), the ethics and practice committee shall conduct all hearings in public.

(11) The ethics and practice committee may exclude members of the public and the person, if any, who made the complaint from any part of the hearing if the committee is of the opinion that evidence brought in the presence of the person or persons to be excluded will unduly violate the privacy of a person other than the member whose conduct or practice is the subject of the hearing.

(12) The ethics and practice committee shall report to the executive its findings together with any penalty recommendations in a written report, signed by the majority of committee members conducting the hearing.

(13) The ethics and practice committee shall also provide to the executive minutes of the hearing proceedings, the evidence adduced and any exhibits produced or copies of exhibits”.

(8) Section 29 is repealed.

(9) Sections 30 to 34 are repealed and the following substituted:

“Ethical conduct

30 The following conduct is deemed to be a breach of the code of ethics for teachers:

- (a) wilfully taking, because of animosity or for personal advantage, any steps to secure the dismissal of another teacher;
- (b) wilfully circulating false reports, derogatory to any fellow teacher or to any other person directly associated with education in Saskatchewan;
- (c) maliciously, carelessly, irresponsibly or otherwise than in fulfilment of official duties, criticizing the work of a fellow teacher in such a way as to undermine the confidence of the public and students;
- (d) publishing or circulating any false or mischievous statement or entering into any collusive arrangement intended to circumvent or nullify any of the Acts of the Legislature pertaining to teachers or schools or any regulations of the ministry.

“Mediation

31 If a complaint has been referred to mediation and the mediation is not successful, the executive may order a hearing by the ethics and practice committee.

“Not guilty

32 If the executive receives a report from the ethics and practice committee that found the member who was the subject of the hearing not guilty of breaching the code of ethics or the standards of practice for teachers, the chief executive officer shall send a copy of the complaint and the report of the committee:

- (a) to the member whose conduct or practice was the subject of the hearing;
and
- (b) to the complainant, if any.

“Penalty hearing

33(1) If the executive receives a report from the ethics and practice committee that the member who was the subject of the hearing was found guilty of breaching the code of ethics or the standards of practice for teachers, the executive shall hold a penalty hearing with respect to the member who was the subject of the complaint.

(2) The chief executive officer shall, at least 14 days before the executive holds a penalty hearing:

- (a) send a copy of the complaint and the report of the ethics and practice committee to the member whose conduct or practice is the subject of the penalty hearing;
- (b) serve notice on that member of the date, time and place of the penalty hearing;
- (c) advise that member that he or she may be represented by legal counsel at his or her own expense; and
- (d) send notice of the date, time and place of the penalty hearing, a copy of the complaint and the report of the ethics and practice committee to the complainant, if any.

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- (3) The executive, after holding a penalty hearing, may by order:
 - (a) reprimand the member; or
 - (b) refer the matter to the Saskatchewan Professional Teachers Regulatory Board.
 - (4) The chief executive officer shall notify the member whose conduct or practice was the subject of the penalty hearing and the complainant, if any, of the decision of the executive and any recommendation or order made by the executive.

“Appeal

34(1) A member with respect to whom the executive has made an order pursuant to subsection 33(3) may appeal to the court within 30 days from the day on which the order was issued.

(2) The appeal is to be by motion, notice of which shall be served on the chief executive officer and on any other person that the court or a judge of the court may direct.

(3) The record is to consist of a copy of the proceedings before the ethics and practice committee, the evidence taken, the report of the ethics and practice committee and the findings of the executive, all certified by the chief executive officer.

(4) If the chief executive officer receives a request from a member with respect to whom the executive has made an order pursuant to subsection 33(3), the chief executive officer shall provide that person with a certified copy of all proceedings, reports, findings and papers on which the ethics and practice committee or the executive acted in making the order being appealed, on payment of the amount charged by local registrars of the court for copies of documents.

(5) On the hearing of the appeal, the court may:

- (a) affirm or reverse the order of the executive; or
- (b) order a new hearing”.

(10) Section 35 is repealed.

(11) Section 36 is amended by striking out “department” and substituting “ministry”.

(12) Notwithstanding the amendments to Part VI of *The Teachers’ Federation Act, 2006* made pursuant to this section, any investigation or hearing commenced pursuant to Part VI of *The Teachers’ Federation Act, 2006* that has not been concluded by the day on which this section comes into force shall be continued pursuant to and in conformity with Part VI of *The Teachers’ Federation Act, 2006* as if that Part had not been amended by this section, and any order or penalty may be imposed as if that Part had not been amended by this section.

R.S.S. 1978, c.T-8, section 5 amended

62 Subsection 5(1) of *The Teachers’ Life Insurance (Government Contributory) Act* is amended by striking out “subsisting certificate of qualification issued by the Department of Education” and substituting “valid teacher’s certificate to teach in schools in Saskatchewan”.

S.S. 1994, c.T-9.1 amended

63(1) *The Teachers Superannuation and Disability Benefits Act* is amended in the manner set forth in this section.

(2) Clause 2(1)(w) is repealed and the following substituted:

“(w) **‘teacher’** means a person who holds a valid teacher’s certificate and who provides the services of a teacher to an employer;

“(w.1) **‘teacher’s certificate’** means a teacher’s certificate issued pursuant to *The Registered Teachers Act, The Education Act, 1995*, or a predecessor of *The Education Act, 1995*”.

(3) Subsection 17(2.1) is amended by striking out “Saskatchewan teaching certificate”:

(a) in clause (a);

(b) in clause (b);

(c) in subclause (c)(i); and

(d) in clause (d);

and in each case substituting “teacher’s certificate”.

(4) Subclause 18(6)(a)(i) is repealed and the following substituted:

“(i) held a valid teacher’s certificate”.

COMING INTO FORCE**Coming into force**

64 This Act comes into force on proclamation.

FOURTH SESSION

**Twenty-seventh
Legislature**

SASKATCHEWAN

B I L L

No. 174

An Act respecting the Regulation of Teachers and
making consequential amendments to other Acts

Received and read the

First time

Second time

Third time

And passed

Honourable Don Morgan
