







The College Mandate

- Approval of professional education programs
- Establishment of standards for initial licensure
- Establishment of standards for conduct and competence
- Establishment of programs for professional development (quality assurance)



The Union Response

- The union viewed the College as a deliberate attack on the union, a challenge to its control over member loyalty and resources, and a challenge to its longstanding control over professional development.
- The BCTF withdrew services for two days to protest and plotted a strategy to manage the challenge.



The Union Response (2)

The BCTF developed a policy framework to manage the “threat” posed by the College.

- Endorsement of Council candidates
- Liaison structure to facilitate ongoing influence over endorsed council members
- Opposition to any fee increases



The Union Response (3)

- Opposition to the establishment of standards, to public hearings and to the publication of discipline decisions
- Assertion that discipline by the College constitutes “double jeopardy”
- Opposition to mandatory professional education as a requirement for maintaining certification



The BCTF position in a nutshell...

“After debating the merits of boycotting the College or participating in the College to limit its scope of activity, the BCTF decided on the latter.”

Ken Novakowski, former BCTF President, *Teacher*, September 2010



The First Era: 1988-2003

- Union controlled the council (15 of 20 positions)
- No standards of competence and conduct
- No requirements for ongoing professional learning
- Fee suppression
- No actions to address incompetence
- No public hearings
- Absence of public confidence



A shot fired over the bow...

2003 - Minister Christy Clark dismisses council and replaces it with appointed “interim” council. Interim council articulates standards and raises fees.

In response, the BCTF

- Boycotted the process to establish standards
- Withheld their fees

Ministry backed down, paid fees, and reinstated union dominated council (reduced majority)



The second era: 2004-2009

- Union declared a victory
- “Agenda for Change” to reverse initiatives of appointed council
- Introduction of public complaints and an employers’ registry.
- Union opposed all legislative changes
- No effective change in the regulatory framework for K-12 educators



The Last Days (2009-2011)

- Defections
- Registrar’s governance report
- Union filibuster
- Appointment of Don Avison as fact-finder



Findings of the Avison Report

- The BCCT is not regarded as an “independent and credible entity
- Union influence is the reason that the BCCT lacks credibility
- Imbalance between the public interest and the interest of members, with a tilt toward the latter



Findings of the Avison Report (2)

- BCCT compares unfavorably with other BC regulatory bodies in failing to take responsibility for conduct and competency of registrants
- Council dysfunctional with sharp factional divides. Procedural complexity trumps the public interest



Avison findings (3)

- BCCT unlikely to regain public confidence
- Three options for government:
 - No change
 - Take regulatory responsibility back to government
 - Rebrand with reform



The Axe Falls

- A cabinet shuffle, resignation of premier, a 2nd cabinet shuffle and leadership race delay action on Avison report
- Minister consults with union (35 hrs) and stakeholders on the future of regulation of the teaching profession



The Axe Falls (2)

- October 2011: The Teachers Act replaces the Teaching Profession Act. The BCCT is dissolved and regulation of teaching is returned to government.
- Silence from the teaching profession



The Teacher Regulation Branch: A new regime

- Deemed a “hybrid” model blending self-regulation and government regulation
- Discipline controlled by a government appointed Commissioner
- Teachers’ Council with authority over certification, and approval of teacher education programs
- The Teacher Regulation Branch is part of the Ministry of Education, like 8 of the other 10 provinces in Canada



Discipline Under the TRB

- All power to the Commissioner, a retired BC Supreme Court Judge
- Dramatic increase in reports to regulator (“when in doubt....report).
- Number of investigators increased from 3 to 10.



Discipline Under the TRB (2)

- Discipline trends:
 - More severe responses to relatively minor violations of standards
 - Reprimands for matters previously dealt with “informally”



The TRB Council

- Teachers’ Union continues to exert influence.
- Failure to revise standards
- Slow progress on approval of professional programs at teacher training institutions
- Politics of government-union relationship affects regulation



Bill 11 (enacted May 2015)

- Establishes legislative requirement for ongoing professional learning for all certificate holders.
- No tie between professional learning requirement and certification
- Union opposes legislation



What has and hasn't changed?

- College of Teachers valued protection of teachers over the defence of the public interest.
- TRB values protection of government over the protection of the public interest.
- Public confidence in the teaching profession remains low: the BC Paradox
- Teachers more content with TRB than with BCCT, reflecting an absence of a professional identity



The Regulatory Paradox

The more success a regulatory body has in maintaining high standards of competence and conduct, the more likely is the public to perceive that the profession is populated by practitioners who are incompetent and misconduct themselves.

If this paradox is true, it argues for the need for regulatory bodies to be very proactive in explaining their public interest mandates to the publics they serve.



Lessons to be learned

1. Essential separation of regulatory and advocacy functions
2. Necessary to cultivate a professional identity that includes an understanding of the benefits of self-regulation and attention to the public interest



Lessons to be learned (2)

3. The teaching profession in B.C. is not a 'mature' profession.
4. Necessity that regulatory bodies effectively regulate all aspects of licensure from professional education programs through licensure to continuing education



Lessons to be learned (3)

5. If the profession does not value the privilege of self-regulation, it is unlikely that others will defend it.
6. The right to regulate professions belongs to government and it is delegated to professions conditionally. If the public interest is not defended, the delegated authority may be rescinded



Questions?



Kit Krieger
Former Registrar, BC College of Teachers
• kkrieger@bcvpa.ca


