

**Bill 35 – The Education Administration Amendment Act (Teacher Certification and Professional Conduct)**

CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
<p><b>Definitions</b></p> <p><u>1</u> In this Act,  <b>"board"</b> means The Advisory Board established under this Act; (« Conseil »)  <b>"department"</b> means the department or branch of the Executive Government of the province designated by the Lieutenant Governor in Council for the purposes of this Act; (« ministère »)  <b>"field representative"</b> means a member of the staff of the department charged with responsibilities as set out in this Act and <i>The Public Schools Act</i>; (« représentant régional »)  <b>"independent school"</b> means any school, other than a public school, which provides a curriculum and a standard of education equivalent to that provided by the public schools, but does not include any home or place to which clause 262(b) of <i>The Public Schools Act</i> applies; (« école indépendante »)  <b>"minister"</b> means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act; (« ministre »)  <b>"public school"</b> means an institution for education purposes established and maintained under this Act or <i>The Public Schools Act</i>; (« école publique »)  <b>"school board"</b> means the board of trustees of a school division or school district; (« commission scolaire »)  <b>"support"</b> means support as defined in <i>The Public Schools Act</i>; (« aide »)  <b>"teacher education institution"</b> means an institution for the education of persons for certification as teachers. (« institution de formation pédagogique »)</p>	<p><u>1</u> <i>The Education Administration Act</i> is amended by this Act.</p> <p><u>2</u> The following is added before section 1:  <b>PART 1 - DEFINITIONS</b></p> <p><u>3</u> Section 1 is amended  (a) by adding the following definitions:  <b>"director of certification"</b> means the director appointed under section 6; (« directeur des brevets »)  <b>"teaching certificate"</b> means a teaching certificate issued under this Act by the director of certification. (« brevet d'enseignement »)  (b) by repealing the definition "field representative".</p>	

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<p><b>Supervision of schools</b>  <u>2</u> The minister is responsible for the supervision, control and direction of all public schools and of all other schools established pursuant to this Act.</p>	<p><i><u>4</u> The following is added before section 2:</i></p> <p style="text-align: center;"><b>PART 2</b>  <b>RESPONSIBILITIES OF THE MINISTER</b></p>	
<p><b>Powers of the minister</b>  <u>3(1)</u> The minister may</p> <ul style="list-style-type: none"> <li>(a) establish and operate or provide for the establishment and operation of technical, vocational, agricultural, summer, residential or any other schools;</li> <li>(b) provide advice to school boards with respect to the dimensions, equipment, style, plans, furnishing, decoration, heating and ventilation of school buildings and for the arrangement and requisites of school premises;</li> <li>(c) approve courses of study, including correspondence and other courses;</li> <li>(c.1) establish courses of study, including setting the amount of instruction time, and authorize programs and instructional materials for use in public or independent schools;</li> <li>(d) approve text books to be used;</li> <li>(e) at his discretion or upon request of the authority in control of an independent school, inquire into the qualifications of the teachers of, and the standard of education provided by, the independent school and into any matter relating to the welfare of pupils enrolled at the independent school;</li> <li>(f) purchase books for school library purposes, school supplies, furniture, equipment and instructional materials and sell them to school boards, teachers, pupils or other persons;</li> <li>(g) arrange for the printing and publishing of text books and other instructional materials for use in the public schools;</li> <li>(h) enter into agreements with any person, corporation or government, respecting any educational matter;</li> <li>(i) order a public school to be closed in an emergency or where he deems it in the best interest of the community in which the school is located and cancel the order where the emergency no longer exists;</li> <li>(j) [repealed] S.M. 2004, c. 42, s. 23;</li> <li>(k) purchase text books and make arrangements with school boards for free distribution thereof to pupils;</li> <li>(l) purchase school buses and sell or give them to school boards, subject to such terms and conditions as the minister deems advisable;</li> </ul>		

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<p>(m) release information relating to pupil achievement and the effectiveness of programs in public or independent schools;</p> <p>(n) assign a Manitoba education number to the following:</p> <ul style="list-style-type: none"> <li>(i) a pupil who is enrolled or who seeks to be enrolled in a public or independent school,</li> <li>(ii) a pupil who is enrolled in a school operated by a First Nation, if the school is approved by the minister,</li> <li>(iii) a pupil who is home schooled or who is enrolled in correspondence courses offered by the department,</li> <li>(iv) a child for whom specific preparations are being made to provide appropriate educational programming,</li> <li>(v) a person who is in a prescribed class of persons.</li> </ul> <p><b>Teacher education programs subject to approval of minister</b></p> <p><u>3(2)</u> Programs taken by persons in teacher education institutions for the purpose of teacher certification, shall be subject to the approval of the minister.</p> <p><b>"Educational institution" defined</b></p> <p><u>3.1(1)</u> In this section, "educational institution" means a school division, a school district, an independent school or other educational organization.</p> <p><b>Copyright agreements</b></p> <p><u>3.1(2)</u> The minister may enter into a licensing agreement with any person, authorizing any educational institution designated by the minister under subsection (4) to copy, for educational purposes and on terms and conditions set out in the agreement, works protected by copyright and specified in the agreement.</p> <p><b>Fee payable under agreement</b></p> <p><u>3.1(3)</u> An agreement under subsection (2) may require the minister to pay a fee for the authorization to copy works granted by the agreement and may specify the amount of the fee and the time and manner of payment, and the minister shall pay any fee so required in accordance with the agreement and out of the fees deducted under subsection (4).</p> <p><b>Regulations</b></p> <p><u>3.1(4)</u> The minister may make regulations</p> <ul style="list-style-type: none"> <li>(a) designating educational institutions for the purpose of subsection (2);</li> <li>(b) respecting terms and conditions that educational institutions must comply with in copying works pursuant to an agreement under subsection (2);</li> <li>(c) requiring educational institutions to pay fees for the authorization to copy works pursuant to an agreement under subsection (2) and respecting the amount of those fees.</li> </ul>		

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<p><b>Use of fees</b>  <u>3.1(5)</u> The minister shall deduct the amount of fees required to be paid by educational institutions under subsection (4) from any support or grant payable to educational institutions under this Act or <i>The Adult Learning Centres Act</i>, and shall use the fees for the purposes of subsection (3).</p> <p><b>Definitions</b>  <u>3.2(1)</u> The following definitions apply in this section:  <b>"personal health information"</b> means personal health information as defined in <i>The Personal Health Information Act</i>, but only in respect of any disability or illness that an individual may have. (« renseignements médicaux personnels »)  <b>"personal information"</b> means personal information as defined in <i>The Freedom of Information and Protection of Privacy Act</i>, and includes a Manitoba education number assigned to a pupil or person. (« renseignements personnels »)</p> <p><b>Request re personal information and personal health information</b>  <u>3.2(2)</u> For the purposes set out in subsection (3), the minister may request that the following provide, or collect on behalf of the minister and provide, personal information and personal health information:  (a) a school board, in respect of a pupil who is or may become enrolled in a public school;  (b) an independent school, in respect of a pupil who is or may become enrolled in the independent school;  (c) a school board or independent school, in respect of a child for whom the board or school is making specific preparations to provide appropriate education;  (d) if approved by the minister and subject to the agreement of the First Nation, the operator of a First Nation's school, in respect of a pupil who is enrolled in the school;  (e) a prescribed person, entity or government department or agency, in respect of a person within a prescribed class of persons.</p> <p><b>Limits on requests for information</b>  <u>3.2(3)</u> The minister may request information under subsection (2) only if the personal information and personal health information requested is necessary to  (a) assign or verify a Manitoba education number;  (b) determine enrolment;  (c) determine and administer funding, including eligibility to receive funding;  (d) research and evaluate the effectiveness of programs, courses and curriculum delivered by school boards and independent schools;</p>		

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<p>(e) develop, administer, monitor and evaluate government programming respecting education;</p> <p>(f) administer provincial assessments, award credits and issue transcripts, graduation diplomas and certificates of completion;</p> <p>(g) conduct research and analysis relating participation, attrition and completion, and transitions to employment, post-secondary education and adult learning;</p> <p>(h) exercise a power, carry out a duty or perform a function of the minister or the department under this Act or <i>The Public Schools Act</i> or a regulation under those Acts.</p> <p><b>Additional limits</b></p> <p><u>3.2(4)</u> Under this section, the minister must</p> <p>(a) not request or collect personal information or personal health information if other information will serve the purpose; and</p> <p>(b) limit the amount of information requested and collected to the minimum amount necessary to accomplish the purpose.</p> <p><b>Duty to provide information</b></p> <p><u>3.2(5)</u> A school board, independent school or prescribed person, entity or government department or agency that receives a request under this section must provide the minister with the information requested, in the form and within the time specified by the minister.</p> <p><b>Permitted collection, use and disclosure continue</b></p> <p><u>3.2(6)</u> Nothing in this section limits the authority of the minister to collect, use and disclose personal information and personal health information if authorized or required to do so by law, including <i>The Freedom of Information and Protection of Privacy Act</i> or <i>The Personal Health Information Act</i>.</p> <p><b>Duty to adopt security safeguards</b></p> <p><u>3.2(7)</u> The minister must protect all information, including personal information and personal health information, collected under this section by adopting reasonable administrative, technical and physical safeguards that ensure the confidentiality, security, accuracy and integrity of the information.</p> <p><b>Safeguards for sensitive information</b></p> <p><u>3.2(8)</u> In determining the reasonableness of security safeguards adopted pursuant to subsection (7), the degree of sensitivity of the information to be protected must be taken into account.</p>		

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<p><b>Regulations</b></p> <p><b>4(1)</b> For the purpose of carrying out the provisions of this Act according to their intent, the minister may make such regulations and orders as are ancillary thereto and are not inconsistent therewith; and every regulation or order made under, and in accordance with the authority granted by, this section has the force of law; and without restricting the generality of the foregoing the minister may make regulations</p> <ul style="list-style-type: none"> <li>(a) respecting the duties of teachers and of principals;</li> <li>(b) prescribing the classification, organization, discipline and government of the public schools of the province;</li> <li>(b.1) respecting the establishment of parent advisory councils and parent councils for schools, including their formation, composition and mandate;</li> <li>(c) prescribing the minimum standard of academic and professional education acceptable for the certification of teachers in the province;</li> </ul>	<p><u>5</u> <i>Subsection 4(1) is amended</i></p> <p><i>(a) by replacing clause (c) with the following:</i></p> <ul style="list-style-type: none"> <li>(c) respecting the certification of teachers, including, but not limited to, <ul style="list-style-type: none"> <li>(i) establishing the qualifications and other requirements to be met by applicants for a teaching certificate,</li> <li>(ii) classifying teaching certificates, including requiring that different requirements be met for different classes,</li> <li>(iii) establishing a reconsideration process for applicants who are refused a teaching certificate or a change in classification, and</li> <li>(iv) respecting the issuance, cancellation and renewal of teaching certificates, including requiring certificates to be renewed at specified times and subject to specified terms and conditions;</li> </ul> </li> <li>(c.1) establishing competence standards that a teacher must meet in order to be issued and to maintain a teaching certificate;</li> <li>(c.2) respecting the registry of teachers under section 8.38, including, but not limited to, <ul style="list-style-type: none"> <li>(i) governing the keeping of the registry,</li> <li>(ii) specifying additional information to be kept on the registry, and</li> <li>(iii) authorizing the removal of information from the registry;</li> </ul> </li> </ul>	<p><b>4 (1) (c)</b> currently establishes 115/2015 so this additional language must mean changes are coming to this regulation but why expand (c)?</p> <p><b>4 (1) c)iv)</b> Does the Minister have the power to put timelines on all teacher certificates?</p> <p><b>(c.1)</b> “establish competence standards” this seems much broader that the initial goal of protection of students.</p> <p><b>c.1)</b> Does competence standards someday devolve in Floridian education activities such as if you teach a certain book/theory (ie critical race theory) you are not a competent teacher? Will be interesting to see how one defines competency. Pedagogical, moral, legal, personal work commitment, meeting the minimums, etc</p>
<ul style="list-style-type: none"> <li>(d) respecting the suspension of pupils, including <ul style="list-style-type: none"> <li>(i) authorizing a teacher to suspend a pupil from a classroom,</li> <li>(ii) authorizing a principal, a teacher acting as a principal and the superintendent of schools to suspend a pupil from school,</li> <li>(iii) providing for the circumstances under which pupils may be suspended, the periods of suspension that may be imposed, and for any other matter related to suspensions;</li> </ul> </li> </ul>		

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<p>(e) governing the operation of technical, vocational, agricultural, summer, residential and other schools and designating the qualifications of persons to be admitted as pupils therein, and the fees and charges, if any, to be paid by the pupils;</p> <p>(f) prescribing the grants or support that shall be payable or provided for the purposes of public schools out of moneys authorized by an Act of the Legislature to be paid and applied for education grants as set out in the annual estimates of the province;</p> <p>(g) respecting correspondence courses offered by the department;</p> <p>(h) respecting qualifications of teachers</p> <p style="padding-left: 20px;">(i) who may be employed in teacher education institutions operated by the department, public and summer schools and any other schools established pursuant to this Act, or</p> <p style="padding-left: 20px;">(ii) who may be eligible for appointment as principals of elementary or secondary schools or any position involving educational administration or supervision;</p> <p>(h.1) subject to subsection (1.1), respecting the scheduling of non-instructional days for teachers by school divisions and school districts;</p> <p>(i) respecting the rules of procedure of the Certificate Review Committee;</p> <p><b>(j)</b> authorizing the granting, from and out of the Consolidated Fund with moneys authorized by an Act of the Legislature to be paid and applied for the purposes of the educational grants or support, of scholarships or bursaries or loans to persons specified in the regulations or to institutions to be used and applied for and on behalf of persons specified in the regulations;</p> <p>(k) stating the conditions, if any, under which scholarships or bursaries or loans may be subject;</p> <p>(l) respecting the form and contents of any agreements to be entered into by the recipient of a scholarship or bursary or loan;</p> <p>(m) prescribing fees to be paid and the time or manner in which they shall be paid for services rendered by the minister or department or in respect of which, in the opinion of the minister, a fee should be charged;</p> <p>(n) [repealed] S.M. 2021, c. 61, s. 76;</p> <p>(o) prescribing the records to be maintained by a school board;</p> <p>(o.1) respecting the framework of a school board's anaphylaxis policy, and requirements to be contained in it;</p>	<p><i>(b) by repealing clause (i).</i></p>	

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<p>(p) respecting steps to be taken and things to be done with respect to schools in the event of emergencies;</p> <p>(p.1) respecting the establishment of a committee at each school to advise the principal in developing policies and practices respecting a code of conduct and emergency response plan for the school, and respecting the composition of those committees; (p.2) respecting the conduct of pupils and staff in schools, including requirements to be contained in a school's code of conduct and emergency response plan in addition to those mentioned in section 47.1 of <i>The Public Schools Act</i>;</p> <p>(p.3) respecting any other matter related to furthering positive and safe school environments;</p> <p>(q) for the purposes of licensing and regulating academic correspondence schools operating in the province;</p> <p>(r) prescribing the standard to be attained by pupils on entering or leaving any grade or level in any public school or independent school;</p> <p>(r.1) prescribing methods and procedures for the assessment and evaluation of any aspect of pupil achievement;</p> <p>(r.2) prescribing methods and procedures for the assessment of the effectiveness of courses of study and programs;</p> <p>(r.3) respecting information that school boards are required to provide to the minister, the times and form and manner in which it is to be provided;</p> <p>(r.4) respecting information concerning pupil achievement that school boards are required to release to the public, and procedures governing the release of the information;</p> <p>(r.5) respecting the matters which must be included in annual school plans;</p> <p>(r.6) for the purposes of subsection 41(12) of <i>The Public Schools Act</i>, the matters which must be included in an auditor's supplementary report;</p> <p>(r.7) prescribing a class or classes of persons for the purpose of subclause 3(1)(n)(v);</p> <p>(r.8) prescribing persons, entities or government departments or agencies for the purpose of clause 3.2(2)(e);</p> <p>(r.9) prescribing standards for the form and content of reporting by schools to parents or legal guardians on their child's progress and achievements;</p> <p>(s) [repealed] S.M. 2004, c. 42, s. 23;</p> <p>(t) respecting the certification of clinicians;</p> <p>(u) prescribing the qualifications required by persons to be certified as clinicians;</p>		



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<p>(v) establishing classes of clinicians;</p> <p>(v.1) respecting the disposal of land or a building, including a school site, that a school board owns or in which it has an interest or right, including regulations</p> <p>(i) prescribing the process to be followed by the school board in disposing of it, and</p> <p>(ii) requiring that priority be given to prescribed persons or organizations who might wish to acquire it;</p> <p>(w) respecting such other matters ancillary to the certification of clinicians as he may deem necessary;</p> <p>(x) generally respecting all matters having to do with education.</p>		
<p><b>In-services to be held on general election days</b>  <u>4(1.1)</u> The regulation under clause (1)(h.1) must provide for the scheduling of a non-instructional day on the election day of a fixed date election, as defined in <i>The Elections Act</i>.</p> <p><b>Effect of certification of clinicians</b>  <u>4(2)</u> A person certified as a clinician is deemed to be a teacher for all purposes of this Act, <i>The Public Schools Act</i>, <i>The Teachers' Pensions Act</i>, and <i>The Manitoba Teachers' Society Act</i>, but does not have the right or obligation to teach pupils in a classroom.</p> <p><b>Retroactive regulations</b>  <u>4(3)</u> A regulation made under this Act or <i>The Public Schools Act</i> respecting grants or support payable or to be provided may be made effective retroactively; but in no case shall it be retroactive to a date prior to January 1 in the year immediately preceding the year in which the regulation is made.</p> <p><b>Recognition of MAPC</b>  <u>4.1(1)</u> For school divisions and school districts other than the francophone school division, the Manitoba Association of Parent Councils, Inc. ("MAPC") is recognized as the representative of school-based parent groups, including parent advisory councils and parent councils.</p> <p><u>4.1(2)</u> Repealed</p> <p><b>Minister may refer matter to MAPC</b>  <u>4.2</u> The minister may refer to MAPC a matter relating to parent involvement in schools. MAPC is to consider the matter and report to the minister its findings or recommendations.</p>		

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<p><b>Certificate Review Committee</b></p> <p><u>5(1)</u> The minister shall appoint a Certificate Review Committee (hereinafter referred to as the "review committee") comprised of</p> <ul style="list-style-type: none"> <li>(a) three persons nominated by The Manitoba Teachers' Society;</li> <li>(b) three persons nominated by the Manitoba School Boards Association;</li> <li>(c) two persons nominated by The Manitoba Association of School Superintendents; and</li> <li>(d) two from the department,</li> </ul> <p>for such term as the minister may fix and thereafter until their successors are appointed.</p> <p><b>Alternate members</b></p> <p><u>5(2)</u> Each of the organizations mentioned in clauses (1)(a), (b) and (c) shall nominate an additional person who shall be appointed by the minister to the review committee as an alternate member to act in place of the appointed representative where the appointed representative for any cause is unable to act.</p>	<p><u>6</u> <i>Section 5 is repealed.</i></p>	
<p><b>Chairman and secretary</b></p> <p><u>5(3)</u> The minister shall appoint one of the members of the review committee as chairman thereof, and shall appoint a person from the department to act as secretary who is not a member of the committee.</p> <p><b>Quorum</b></p> <p><u>5(4)</u> Five of the members appointed under subsection (1) constitute a quorum.</p> <p><b>Referral of suspension</b></p> <p><u>5(5)</u> In all cases in which a teacher's certificate has been suspended by the minister or by a field representative, the minister shall forthwith refer the matter to the review committee.</p> <p><b>Other referrals</b></p> <p><u>5(6)</u> The minister in his discretion may refer to the review committee for investigation and report any case in which a teacher's certificate is to be reviewed for any cause which the minister deems sufficient.</p> <p><b>Notice of hearing</b></p> <p><u>5(7)</u> Where pursuant to subsection (5) or (6) a case has been referred to the review committee the review committee shall, in writing, within seven days from the date of the referral by the minister notify the teacher concerned of the time, date and place of a hearing which subject to subsections (8) and (9) shall be not sooner than 14 days or later than 28 days from the date of the notification.</p>		

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<p><b>Earlier date of hearing</b>  <u>5(8)</u> Where an earlier date is mutually agreed upon by the teacher and the review committee the hearing may be held on that date.</p> <p><b>Later date of hearing</b>  <u>5(9)</u> Where a teacher agrees that the review committee may hold the hearing at a date later than that set out in subsection (7), the review committee may hold the hearing at such later date as is mutually agreed upon by the teacher and the review committee.</p> <p><b>Review committee to report</b>  <u>5(10)</u> Where the review committee holds a hearing for the purposes of subsection (5) or (6), the review committee shall within 14 days after completion of the hearing, submit a written report thereon to the minister.</p> <p><b>Minority reports</b>  <u>5(11)</u> The report of a majority of the members of the review committee present at a hearing thereof shall be deemed to be the report of the review committee; but nothing herein prevents dissenting members from submitting a minority report.</p>		
<p><b>Report to include recommendation</b>  <u>5(12)</u> The report of the review committee shall include recommendations as to what action, if any, is to be taken in respect of the matters that are the subject of the investigation and hearing.</p> <p><b>Powers of review committee</b>  <u>5(13)</u> The members of the review committee, for the purpose of carrying out an investigation of any matter referred to the review committee, have all the powers and protection of commissioners appointed under Part V of <i>The Manitoba Evidence Act</i>.</p> <p><b>Right to counsel</b>  <u>5(14)</u> Where under this section a teacher's certificate is to be reviewed, the teacher has the right to be notified of the time, date and place of the review to be held by the review committee and to be present and to be represented by counsel.</p>		

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<p><b>Issuing, etc. of teachers' certificates</b>  <u>6(1)</u> The minister may issue teachers' certificates of such grades or classes, and in such form and for such period as he prescribes, and may cancel or suspend a certificate issued to a teacher for any cause that he deems sufficient.</p> <p><b>Reasons for cancellation or suspension</b>  <u>6(1.1)</u> The minister, upon cancelling or suspending the certificate of a teacher under subsection (1), shall forthwith provide the teacher with written reasons for the cancellation or suspension.</p> <p><b>Suspension by field representative</b>  <u>6(2)</u> A field representative may suspend the certificate of any teacher for incompetency, misconduct or violation of this Act or <i>The Public Schools Act</i> or of any regulation made under <i>The Public Schools Act</i> or this Act.</p> <p><b>Notice of suspension</b>  <u>6(3)</u> Where a field representative suspends the certificate of a teacher, he shall forthwith in writing notify the minister, the school board concerned and the teacher, giving his reasons for the suspension.</p>	<p><i>Z Section 6 is replaced with the following:</i></p> <p><b>Director of certification</b>  <u>6(1)</u> A director of certification is to be appointed in accordance with Part 3 of <i>The Public Service Act</i>.</p> <p><b>Powers and duties</b>  <u>6(2)</u> The director of certification has the powers conferred and the duties imposed by this Act and the regulations.</p> <p><b>Director may delegate</b>  <u>6(3)</u> The director of certification may delegate to one or more employees of the department the director's powers or duties under this Act.</p> <p><b>Issuing a teaching certificate</b>  <u>6.1(1)</u> The director of certification may issue a teaching certificate to an applicant who  (a) applies in writing in the form required by the director;  (b) meets the requirements for certification established by regulation; and  (c) pays the fees prescribed by regulation.</p> <p><b>Refusal to issue</b>  <u>6.1(2)</u> The director of certification must not issue or renew a teaching certificate if the director determines that the past conduct or actions of the applicant afford grounds for believing that the applicant will not carry out the responsibilities of a teacher in accordance with the law, including this Act, <i>The Public Schools Act</i> and the regulations under those Acts.</p>	<p><b>6.1(2)</b> How does the director make this determination?</p> <p><b>6.1(2)</b> The director of certification has power not to reinstate a certificate. Does this then devolve power from Minister to Director?</p>

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<p><b>Limited teaching permits</b>  <u>7(1)</u> The minister may grant to any person a limited teaching permit, in which the minister shall name the subject or subjects and the grade or grades or the level or levels, and the school to which the permit applies and state the period during which the permit is valid.</p> <p><b>Cancellation</b>  <u>7(2)</u> The minister may, in his absolute discretion, cancel any limited teaching permit before the end of the period stated therein.</p>		
<p><b>Minister may evaluate school systems</b>  <u>8(1)</u> The minister may establish procedures for evaluating education in, or any other aspect of the operation of public and independent schools and, at his discretion, conduct or cause the evaluation to be conducted.</p> <p><b>Delegation of authority by minister</b>  <u>8(2)</u> The minister may delegate any or all of his powers and responsibilities under subsection (1) to a committee appointed by him or to any one or more members of the department or to any other person.</p>		

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	<p><u>g</u> <i>The following is added after section 8:</i></p> <p style="text-align: center;"><b>PART 3 - TEACHER DISCIPLINE</b> DEFINITIONS</p> <p><b>Definitions</b></p> <p><u>8.1</u> The following definitions apply in this Part.</p> <p>"<b>commissioner</b>" means the commissioner appointed under section 8.2. (« commissaire »)</p> <p>"<b>complaint</b>" means a complaint made under section 8.9. (« plainte »)</p> <p>"<b>court</b>" means the Court of King's Bench. (« tribunal »)</p> <p>"<b>employer</b>" means a person who employs a teacher to provide</p> <p>(a) a program that forms part of the curriculum provided by</p> <p>(i) a public school, or</p> <p>(ii) an independent school that receives funding under subsection 60(5) of <i>The Public Schools Act</i>; or</p> <p>(b) a program that meets the credit and course requirements established by the minister under <i>The Public Schools Act</i> leading to the granting of a high school diploma or a certificate of completion. (« employeur »)</p> <p>"<b>investigated teacher</b>" means a teacher about whom a complaint or report is made, and includes a teacher about whom the commissioner has initiated an investigation. (« enseignant concerné »)</p> <p>"<b>panel</b>" means a panel established under section 8.24. (« comité »)</p> <p>"<b>professional misconduct</b>" of a teacher means conduct that makes them unsuitable to be a teacher, including, but not limited to, the following:</p> <p>(a) any act concerning a pupil or other child under the teacher's care or supervision that involves</p> <p>(i) sexual abuse or sexual exploitation of the pupil or child,</p> <p>(ii) sexual misconduct concerning the pupil or child,</p> <p>(iii) physical harm to the pupil or child, or</p> <p>(iv) significant emotional harm to the pupil or child;</p> <p>(b) any act prohibited under section 163.1 of the <i>Criminal Code</i> (Canada) (child pornography);</p> <p>(c) conduct that is prescribed by regulation to constitute professional misconduct. (« inconduite professionnelle »)</p> <p>"<b>registry</b>" means the registry of teachers established under section 8.38. (« registre »)</p> <p>"<b>report</b>" means a report about a teacher made under section 8.10. (« signalement »)</p> <p>"<b>teacher</b>" means a teacher who holds a teaching certificate under this Act, and includes a teacher whose certificate has been suspended. (« enseignant »)</p>	<p><b>8.1</b> Does this include or exclude First Nations Schools? Could this be clarified?</p> <p><b>8.1 (a) (iv)</b> "professional misconduct" – very open to interpretation</p> <p><b>8.1 (a) iii)</b> Would this include accidental harm?</p>

CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
	<p style="text-align: center;"><b>COMMISSIONER AND HEARING PANEL ROSTER</b></p> <p><b>Commissioner</b>  <u>8.2(1)</u> On the recommendation of the minister, the Lieutenant Governor in Council may appoint a commissioner.</p> <p><b>Term</b>  <u>8.2(2)</u> The commissioner's term of office is up to five years, and a commissioner may be re-appointed.</p> <p><b>Vacancy or absence</b>  <u>8.2(3)</u> If the office of the commissioner is vacant or the commissioner is temporarily absent because of illness or another reason, the minister may designate an acting commissioner to exercise the powers and perform the duties of the commissioner.</p> <p><b>Powers and duties</b>  <u>8.2(4)</u> The commissioner has the powers conferred and the duties imposed on the commissioner by this Act and the regulations.</p> <p><b>Commissioner may delegate</b>  <u>8.3(1)</u> The commissioner may delegate to one or more employees of the department the commissioner's powers or duties under this Act, except the power to</p> <ul style="list-style-type: none"> <li>(a) make or accept a proposal for a consent resolution agreement under section 8.20; or</li> <li>(b) refer a matter for a hearing under section 8.23.</li> </ul> <p><b>Writing</b>  <u>8.3(2)</u> A delegation must be in writing and may include terms or conditions.</p> <p><b>Annual report</b>  <u>8.4(1)</u> Within three months after the end of the government's fiscal year, the commissioner must submit an annual report to the minister on the activities of the commissioner and of the panels, and on any other matters the commissioner considers should be included or that the minister directs be included.</p> <p><b>Report to be made public</b>  <u>8.4(2)</u> The minister must make the annual report public within 45 days after receiving it.</p> <p><b>Staff</b>  <u>8.5</u> The commissioner's staff are employees of the department.</p>	<p><b>8.4 (2) Report:</b> Is there limits on privacy – names, etc? Or will it reflect teacher certificate numbers? If a teacher loses certificate but there is no criminal charges, is it possible for counter lawsuits?</p>

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	<p><b>Commissioner's rules of practice and procedure</b></p> <p><u>8.6(1)</u> In accordance with the regulations, the commissioner may make rules respecting practice and procedure in relation to</p> <ul style="list-style-type: none"> <li>(a) the just and timely resolution of a matter raised in a complaint or report;</li> <li>(b) investigations initiated by the commissioner under subsection 8.14(2); and</li> <li>(c) hearings before a panel. <b>Rules publicly available</b></li> </ul> <p><u>8.6(2)</u> The commissioner must make the rules available to the public.</p> <p><b>Final and binding decisions</b></p> <p><u>8.7(1)</u> Decisions of the commissioner and of a panel are final and binding, subject to the right to appeal in section 8.35.</p> <p><b>Exception</b></p> <p><u>8.7(2)</u> However, the commissioner may, within 30 days after a decision by the commissioner or a panel, amend a final decision to</p> <ul style="list-style-type: none"> <li>(a) correct a typographical, an arithmetical or other similar error in the decision; and</li> <li>(b) correct an obvious error or omission in the decision.</li> </ul> <p><b>Roster of hearing panel members</b></p> <p><u>8.8(1)</u> The minister must appoint a roster of persons who may act as members of hearing panels.</p> <p><b>Composition of roster</b></p> <p><u>8.8(2)</u> The roster is to be composed of the following:</p> <ul style="list-style-type: none"> <li>(a) four teachers, three of whom have been nominated by The Manitoba Teachers' Society and one of whom is a teacher in an independent school;</li> <li>(b) four persons nominated by The Manitoba School Boards Association;</li> <li>(c) four public representatives who are not and have never been teachers.</li> </ul> <p><b>Term and appointment</b></p> <p><u>8.8(3)</u> A person may be appointed to the roster for a term fixed by the minister, and may be re-appointed.</p> <p><b>Remuneration and expenses</b></p> <p><u>8.8(4)</u> A person on the roster is to be paid the remuneration set by the minister and reasonable expenses incurred in performing duties under this Act.</p>	



CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
	<p style="text-align: center;"><b>COMPLAINTS AND REPORTS ABOUT TEACHERS</b></p> <p><b>Complaints</b></p> <p><u>8.9</u> Any person may make a written complaint to the commissioner that alleges</p> <ul style="list-style-type: none"> <li>(a) professional misconduct by a teacher; or</li> <li>(b) that a teacher has been or is incompetent to carry out the professional responsibilities of a teacher.</li> </ul> <p><b>Report by teacher's employer</b></p> <p><u>8.10(1)</u> An employer must report the following to the commissioner without delay if a teacher they employ</p> <ul style="list-style-type: none"> <li>(a) has been charged with or convicted of an offence under the <i>Criminal Code</i> (Canada) relating to the physical or sexual abuse of children, where the employer has knowledge of the matter;</li> <li>(b) has been suspended, dismissed or otherwise disciplined for professional misconduct or incompetence; or</li> <li>(c) has resigned in circumstances where a report of the resignation is in the public interest.</li> </ul> <p><b>Content of report</b></p> <p><u>8.10(2)</u> A report must be in writing and set out</p> <ul style="list-style-type: none"> <li>(a) the reasons for disciplinary action reported under clause (1)(b); or</li> <li>(b) the circumstances of a resignation reported under clause (1)(c).</li> </ul> <p><b>Copy to the teacher</b></p> <p><u>8.10(3)</u> The employer must give a copy of the report to the teacher who is the subject of it.</p> <p><b>Teacher's self-report of charge or conviction</b></p> <p><u>8.10(4)</u> A teacher must report to the commissioner without delay if they have been charged or convicted of an offence relating to the sexual or physical abuse of a child.</p>	<p><b>8.9</b> Complaint definition is vague and broad, would a form be developed to help this process?</p> <p><b>8.9</b> “Any person” – If a parent makes a complaint to the commissioner does the employer have a responsibility to potentially respond or provide information or an opportunity investigate the complaint themselves? – 8.15 (1) &amp; 8.16, 8.10(3) outlines the employer must provide a copy of the complaint to the teacher, however, where is it outlined that the commissioner needs to provide a copy of the complaint to the employer so they can investigate at the employer level?</p> <p><b>8.9</b> Does “Any person” cover an underage student? If you receive an anonymous complaint from an underage student, would the commissioner attempt to see if the person would come forward and put their name behind the report in circumstances where the complaint seems credible.</p> <p><b>8.9 (b)</b> “incompetent” not defined – does this mean an investigative teacher does not meet the legislated requirements and/or divisional standard for teaching requirements? Is this designed to address non-culpable performance issues? Before we had term of ‘competence’ in new 4.1 C. (C1) and now we have term of incompetence.</p> <p><b>8.10(1) (b)</b> What does “or otherwise disciplined for professional misconduct or incompetence” mean? E.g. Should an employer say a letter of direction is not discipline (email confirming a verbal warning) therefore these would not need to be reported however, employers need to report every letter of discipline placed on an employees file? MTS and other teacher unions could start</p>

		<p>grieving all letters of discipline placed on teacher files.</p> <p><b>8.10 (1) (c)</b> How would an employer know what is in the “public interest” they would need to error on the side of caution?</p> <p>Could the terms of the resignation are protected under the current Bill 215.</p> <p>When a teacher is under investigation for harassment and the teacher resigns and the parties agree on a monetary settlement. Does Bill 215 restrict and/or prohibited an employer to enter into a NDA and/or potentially limit what the employer can say?</p> <p><b>8.10 (4)</b> It would be in the best interest to have this requirement on the teacher(s) to also inform their employer when this occurs. What occurs if a teacher does not report?</p>
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	<p style="text-align: center;"><b>PRELIMINARY REVIEW AND INVESTIGATION</b></p> <p><b>Preliminary review of complaint or report</b></p> <p><u>8.11</u> On receiving a complaint or report, the commissioner must acknowledge receipt and conduct a preliminary review of the matters raised.</p> <p><b>Decision not to take further action</b></p> <p><u>8.12(1)</u> The commissioner may decide not to take further action on one or more of the matters raised in a complaint or report if the commissioner determines that any of the following apply:</p> <ul style="list-style-type: none"> <li>(a) the matter is not within the jurisdiction of the commissioner or a panel;</li> <li>(b) the matter is frivolous, vexatious or trivial or gives rise to an abuse of process;</li> <li>(c) the complaint or report was made in bad faith or filed for an improper purpose or motive;</li> <li>(d) there is no reasonable prospect the complaint or report will result in an adverse finding by a panel;</li> <li>(e) it is not in the public interest to take further action;</li> <li>(f) the matter has not been pursued in a timely manner.</li> </ul> <p><b>Reasons</b></p> <p><u>8.12(2)</u> If the commissioner decides not to take further action, the commissioner must give written reasons to the investigated teacher and the person who made the complaint or report.</p> <p><b>Summary for the public</b></p> <p><u>8.12(3)</u> If the commissioner determines that it is in the public interest, the commissioner may make public a summary of the decision not to take further action under this section, excluding all identifying information.</p> <p><b>Deferral</b></p> <p><u>8.13</u> After a preliminary review, the commissioner may defer taking further action on a matter raised in a complaint or report if</p> <ul style="list-style-type: none"> <li>(a) the commissioner considers that the matter is more appropriately addressed in another process; and</li> <li>(b) the commissioner determines that it is in the public interest that the other process is concluded before taking further action.</li> </ul> <p><b>Investigation</b></p> <p><u>8.14(1)</u> The commissioner must investigate a complaint or report unless the commissioner</p> <ul style="list-style-type: none"> <li>(a) decides not to take further action under section 8.12; or</li> <li>(b) decides that no investigation is required before making or accepting a proposal for a consent resolution agreement under section 8.20 or before referring the matter for a hearing under section 8.23.</li> </ul>	<p>If an employer conducts an investigation, and it warrants no disciplinary action, but another employee or student or member of the public makes a complaint then there could be two investigations. Often after an investigation is conducted, a parent may not be able to find out what (if any) discipline was imposed on the teacher, they would just know if the teacher is still employed, however, they could file a separate complaint.</p> <p>Further, if an incident goes to rights arbitration and the award is not to the complainant's liking, they can file a complaint with the Commissioner.</p> <p><b>8.12 (1)</b> When a teacher's employer files a report in accordance with 8.10(1) and the commissioner believes appropriate actions have been taken by the employer what sub section applies to allow the commissioner to dismiss the claim?</p> <p>If the union grieves this discipline imposed by the employer and the discipline is removed or changed through a rights arbitration how is the commissioner notified?</p> <p>If grievance ongoing then could hold off on dismissing the claim, but we don't always know a grievance in forthcoming.</p> <p>If the commissioner is now of the opinion further actions against the teacher needs to occur or an investigation should occur can the commissioner amend their previous decision on the matter given a rights arbitration has amended the discipline in some way shape or form.</p>

		<p><b>8.12 (1)</b></p> <ul style="list-style-type: none"><li>a. Is there a decision matrix?</li><li>b. Sometimes the trivial gets media spotlight and can influence decision makers.</li><li>c. How will the Commissioner know motive?</li><li>e) Who defines the public interest?</li></ul> <p><b>8.12 (1) (f)</b> We are currently dealing with abuse claims from past students of inappropriate behaviour from decades ago. Would the commissioner review these situations or is it not “timely” FYI - Most of these claims are being filed through the courts.</p> <p><b>8.12(3)</b> Why would this be necessary?</p> <p><b>8.13</b> It would appear that the commissioner can refer a complaint to the employer?</p>
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	<p><b>Commissioner may initiate</b></p> <p><u>8.14(2)</u> The commissioner may also investigate, on the commissioner's own initiative if it is in the public interest,</p> <ul style="list-style-type: none"> <li>(a) the conduct of a teacher; or</li> <li>(b) the competency of a teacher to carry out the teacher's professional responsibilities.</li> </ul> <p><b>Notice</b></p> <p><u>8.14(3)</u> The commissioner must give notice to the following persons, as applicable, of an investigation:</p> <ul style="list-style-type: none"> <li>(a) the investigated teacher;</li> <li>(b) the person who made the complaint or report;</li> <li>(c) the teacher's employer.</li> </ul> <p><b>Considerations</b></p> <p><u>8.14(4)</u> In investigating a matter, the commissioner may consider any of the following in relation to the investigated teacher:</p> <ul style="list-style-type: none"> <li>(a) previous decisions not to take further action after a preliminary review under section 8.12;</li> <li>(b) previous investigations under this section;</li> <li>(c) previous consent resolution agreements under section 8.20;</li> <li>(d) previous findings under subsection 8.29(1) or orders under section 8.30;</li> <li>(e) disciplinary action taken under this Act before the coming into force of this section.</li> </ul> <p><b>Power to compel witnesses and require disclosure</b></p> <p><u>8.15(1)</u> During an investigation under section 8.14, the commissioner may require a person</p> <ul style="list-style-type: none"> <li>(a) to give evidence, on oath or affirmation or in any other manner, that is relevant to a matter being investigated; or</li> <li>(b) to produce a document or other thing in the person's possession or control that is relevant to a matter being investigated.</li> </ul> <p><b>Court order</b></p> <p><u>8.15(2)</u> The commissioner may apply to the court for an order directing a person to comply with the commissioner's requirement.</p> <p><b>Additional investigation powers</b></p> <p><u>8.16</u> For the purpose of an investigation under section 8.14, the commissioner may</p> <ul style="list-style-type: none"> <li>(a) enter the premises of an employer or any other premises where records of the employer may be kept;</li> <li>(b) inspect any record of an employer; or</li> <li>(c) interview the investigated teacher, the person who made the complaint or report, any employee of an employer, or any other person the commissioner considers may have relevant information.</li> </ul>	<p><b>8.14 (4) (b)</b> Does this mean previous investigations about this teacher or any investigation? Also, two teachers could be involved in the same matter how is that addressed?</p> <p><b>8.14 (4) (e)</b> Would this section take into consideration the employees disciplinary file at the division?</p> <p>COMMENT: Employers should be informed when an investigation is taking place, and if the teacher's teaching certificate is suspended during the investigation. If the teacher is able to continue to work, are there any conditions/restrictions on the teaching certificate? During the investigation, is the teacher paid by the employer if the investigation precludes the teacher from teaching? In order for an employer to stop paying a teacher, the employer would need cause.</p> <p>Who is responsible for paying the employees wage if the commissioner (or investigator) is interviewing the investigative teacher during regular working hours for the employee?</p> <p>COMMENT: We could have situations where the employer is not aware of the complaint that has been filed with the commissioner and has no cause to place a teacher on unpaid leave and therefore the employer is liable for the wages of the investigated teacher.</p>

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	<p><b>Suspension of teaching certificate before hearing</b></p> <p><u>8.17(1)</u> At any time after the commissioner receives a complaint or report or initiates an investigation, and while the outcome of proceedings under this Act is pending, the commissioner may order the director of certification to suspend the teaching certificate of the investigated teacher until the matter is resolved.</p> <p><b>Criteria</b></p> <p><u>8.17(2)</u> The commissioner may act under subsection (1) only if the commissioner considers it necessary to protect pupils from exposure to harm.</p> <p><b>Varying a suspension</b></p> <p><u>8.17(3)</u> The commissioner may vary or rescind a suspension made under this section on the commissioner's own initiative or on the written request of the suspended teacher.</p> <p><b>Notice</b></p> <p><u>8.17(4)</u> The commissioner must give notice to the suspended teacher and their employer of any suspension, variation or recession made under this section, along with reasons.</p> <p><b>Actions of commissioner</b></p> <p><u>8.18</u> After completing an investigation under section 8.14, the commissioner must do one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) make a decision under section 8.19 not to take further action;</li> <li>(b) make or accept a proposal for a consent resolution agreement under section 8.20;</li> <li>(c) refer the matter, in whole or in part, for a hearing under section 8.23.</li> </ul> <p><b>Decision not to take further action</b></p> <p><u>8.19(1)</u> At the conclusion of an investigation, the commissioner may decide not to take further action on one or more of the matters related to the investigation if the commissioner determines that any of the following apply:</p> <ul style="list-style-type: none"> <li>(a) the matter is not within the jurisdiction of the commissioner or a panel;</li> <li>(b) the matter is frivolous, vexatious or trivial or gives rise to an abuse of process;</li> <li>(c) the complaint or report that led to the investigation was made in bad faith or filed for an improper purpose or motive;</li> <li>(d) there is no reasonable prospect the complaint or report or a matter relating to the investigation will result in an adverse finding by a panel;</li> <li>(e) it is not in the public interest to take further action;</li> <li>(f) the matter has not been pursued in a timely manner.</li> </ul>	<p><b>8.17(1):</b> Is there overlap of authority with the following:  <u>6.1(2)</u> <i>The director of certification must not issue or renew a teaching certificate if the director determines that the past conduct or actions of the applicant afford grounds for believing that the applicant will not carry out the responsibilities of a teacher in accordance with the law,</i></p> <p><b>8.17(3)</b> If the commissioner rescinds the suspension is the employer liable for wages? The employer may not have any of the facts of the case.</p> <p><b>8.19 (1) )(a)</b> Frist Nations School should be excluded but should be articulated earlier in the process.</p> <p><b>8.19(1):</b> There are two decision points for the Commissioner to determine that there is no jurisdiction - when the complaint is received (8.12(1)) and after it is investigated.</p> <p>Is there a public process to deal with vexatious or frivolous complaints? How is it determined if a complaint is considered vexatious and/or frivolous.</p>

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	<p><b>Reasons</b></p> <p><u>8.19(2)</u> If the commissioner decides not to take further action, the commissioner must give written reasons to the following persons, as applicable:</p> <ul style="list-style-type: none"> <li>(a) the investigated teacher;</li> <li>(b) the person who made the complaint or report;</li> <li>(c) the teacher's employer.</li> </ul> <p><b>Summary for the public</b></p> <p><u>8.19(3)</u> If the commissioner determines that it is in the public interest, the commissioner may make public a summary of the decision not to take further action under this section, excluding all identifying information.</p>	<p><b>8.19(3):</b> Same comment as: 8.12(3) Why would this be necessary to exclude all identifying information? Is there a public process to deal with vexatious or frivolous complaints?</p>
	<p style="text-align: center;"><b>CONSENT RESOLUTION</b></p> <p><b>Consent resolution agreement</b></p> <p><u>8.20(1)</u> At any time before a hearing is commenced under section 8.25, the commissioner may</p> <ul style="list-style-type: none"> <li>(a) propose in writing to the investigated teacher that they enter into a consent resolution agreement; or</li> <li>(b) accept a proposal in writing from the teacher for such an agreement.</li> </ul> <p><b>Considerations</b></p> <p><u>8.20(2)</u> In determining whether to make or accept a proposal, the commissioner may consider the matters referred to in subsection 8.14(4).</p> <p><b>Content of agreement</b></p> <p><u>8.20(3)</u> A consent resolution agreement must contain</p> <ul style="list-style-type: none"> <li>(a) the terms set out in the commissioner's proposal, or the terms set out in the proposal made by the investigated teacher if acceptable to the commissioner;</li> <li>(b) an admission by the teacher as to one or more of the matters raised in the complaint or report or related to the investigation; and</li> <li>(c) one or more of the consequences about which a panel may make an order under section 8.30.</li> </ul> <p><b>Effect</b></p> <p><u>8.20(4)</u> A consent resolution agreement entered into under this section has the same effect as an order made under section 8.30.</p> <p><b>No further action</b></p> <p><u>8.20(5)</u> After a consent resolution agreement is entered into, no further action may be taken under this section or section 8.23 (referral for a hearing) on the matters contained in the agreement, unless the investigated teacher fails to comply with one or more terms of the agreement.</p>	<p>Does the current Bill 215 limit the commissioner in any manner should it be passed by government?</p> <p>What is the definition of a “Consent Resolution”</p>

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	<p><b>If no agreement</b></p> <p><a href="#">8.20(6)</a> If the commissioner and the investigated teacher do not enter into a consent resolution agreement, a panel must not consider any admission made or information provided in relation to a proposal for an agreement (apart from the information collected in an investigation separate from the proposal for an agreement) in making a finding under subsection 8.29(1) or an order under section 8.30.</p> <p><b>Limit on disclosure</b></p> <p><a href="#">8.20(7)</a> In a proceeding, other than a criminal proceeding, unless agreed to by the commission and the investigated teacher, a person must not disclose or be compelled to disclose a document or other record created specifically for the purpose of entering into a consent resolution agreement.</p> <p><b>Copies</b></p> <p><a href="#">8.20(8)</a> The commissioner must give a copy of the consent resolution agreement to the person who made the complaint or report, unless the commissioner gives a direction to the director of certification under clause 8.21(2)(a) or decides not to make the agreement public under clause 8.21(2)(b).</p> <p><b>Publication of consent resolution agreement</b></p> <p><a href="#">8.21(1)</a> Subject to subsection (2), the director of certification must make a consent resolution agreement entered into under section 8.20 public, and may do so by posting a notice on a government website.</p> <p><b>Exception</b></p> <p><a href="#">8.21(2)</a> If the commissioner considers that making a consent resolution agreement public would cause significant hardship to a person who was harmed, abused or exploited by the investigated teacher, the commissioner may</p> <ul style="list-style-type: none"> <li>(a) direct the director of certification to make public a summary of the agreement, excluding all identifying information; or</li> <li>(b) decide not to make the agreement public.</li> </ul> <p><b>Notice to employers</b></p> <p><a href="#">8.22</a> If, as a term of a consent resolution agreement, a teaching certificate is suspended or cancelled or limitations or conditions are placed on the certificate, the director of certification must</p> <ul style="list-style-type: none"> <li>(a) notify all employers of teachers; and</li> <li>(b) post the information on the registry.</li> </ul>	<p><b>8.20(8)</b> Assuming the consent resolution is giving up a teacher’s certificate which provides for a statement of wrongdoing by the teacher, could the complainant use this information to file a civil claim against the teacher? Ex) we have terminated from a perspective of inappropriate interactions with students – none which would ever lead to criminal charges. Such teachers may give up their certificate and move on with their life but now the Department is publicizing the consent resolution.</p> <p><b>8.22</b> If First Nation Education Authorities voluntarily participate in this process will they be notified of any of these decisions.</p>



CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
	<p style="text-align: center;"><b>DISCIPLINARY HEARING</b></p> <p><b>Referral after preliminary review</b>  <u>8.23(1)</u> After a preliminary review under section 8.11, the commissioner may refer the matter for a hearing by a panel.</p> <p><b>Referral after investigation</b>  <u>8.23(2)</u> After an investigation under section 8.14, the commissioner must refer the matter for a hearing by a panel, unless the commissioner decides not to take further action under section 8.19 or to make or accept a proposal for a consent resolution agreement under section 8.20.</p> <p><b>Contents</b>  <u>8.23(3)</u> A referral must include a description of the matters to be considered by a panel and a statement of the material facts on which the referral is based.</p> <p><b>Notice and other details</b>  <u>8.23(4)</u> On making a referral, the commissioner must do the following:</p> <ol style="list-style-type: none"> <li>1. Establish a panel in accordance with section 8.24.</li> <li>2. Determine whether the hearing will be oral or by written submissions.</li> <li>3. For an oral hearing, set the time and place of the hearing; for a hearing by way of written submissions, set time lines for submissions.</li> <li>4. Give written notice of the hearing, in accordance with the regulations, to the investigated teacher and the person who made the complaint or report, of the time and place of an oral hearing or, for a hearing that is not oral, of the time lines for submissions.</li> </ol> <p><b>Additional orders</b>  <u>8.23(5)</u> The commissioner may make any other orders, in accordance with the commissioner's rules of practice and procedure, that the commissioner considers necessary to facilitate the just and timely resolution of one or more matters relating to the referral.</p> <p><b>Amending a referral</b>  <u>8.23(6)</u> Before a hearing ends, the commissioner may amend a referral if the commissioner receives new information relevant to the referral. In that case, notice of the amendment must be given to the investigated teacher and the person who made the complaint or report.</p>	

CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
	<p><b>Panel established for hearing</b></p> <p><a href="#">8.24(1)</a> When a referral is made, the commissioner must establish a panel consisting of three members selected from the roster established under section 8.8.</p> <p><b>Panel members</b></p> <p><a href="#">8.24(2)</a> One member of the panel must be a teacher, one must be a person nominated by The Manitoba School Boards Association and one must be a public representative.</p> <p><b>Chair</b></p> <p><a href="#">8.24(3)</a> The public representative is the chair of the panel.</p> <p><b>Quorum</b></p> <p><a href="#">8.24(4)</a> A quorum for a panel is the three members referred to in subsection (2).</p> <p><b>Conduct of hearing</b></p> <p><a href="#">8.25(1)</a> A panel must conduct a hearing in accordance with the commissioner's rules of practice and procedure.</p> <p><b>Rules</b></p> <p><a href="#">8.25(2)</a> If a panel considers it necessary and appropriate to facilitate the just and timely resolution of one or more matters before it, the panel may, despite subsection (1),</p> <ul style="list-style-type: none"> <li>(a) make determinations about the application of the commissioner's rules of practice and procedure and may vary the rules; and</li> <li>(b) request the commissioner to schedule an oral hearing.</li> </ul> <p><b>Power to compel witnesses and order disclosure</b></p> <p><a href="#">8.26(1)</a> At any time before or during a hearing, a panel may make an order requiring a person</p> <ul style="list-style-type: none"> <li>(a) to attend a hearing to give evidence, on oath or affirmation or in any other manner, that is relevant to a matter before the panel; or</li> <li>(b) to produce for the panel a document or other thing in the person's possession or control that is relevant to a matter before the panel.</li> </ul> <p><b>Court order</b></p> <p><a href="#">8.26(2)</a> The commissioner may apply to the court for an order directing a person to comply with an order made under subsection (1).</p> <p><b>Hearing open to public</b></p> <p><a href="#">8.27(1)</a> An oral hearing of a panel must be open to the public.</p>	<p><b>8.26(2)</b> Should the commissioner apply or the chair of the panel or both? What communication is between the panel and the commissioner?</p> <p><b>8.27(1)</b> Legislation is asking potentially untrained or non-experts to sit on a panel and run a hearing in the public. Is video or recording devices permitted?</p>

CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
	<p><b>Exception</b></p> <p><u>8.27(2)</u> Despite subsection (1) and subject to the regulations, the panel may direct that the public is excluded from all or part of a hearing if it considers that</p> <ul style="list-style-type: none"> <li>(a) intimate personal matters may be disclosed during the hearing; and</li> <li>(b) the desirability of avoiding disclosure of the intimate personal matters outweighs the desirability of adhering to the principle that hearings be open to the public.</li> </ul> <p><b>Failure to attend</b></p> <p><u>8.28</u> If the investigated teacher fails to attend a hearing, on proof that notice of the hearing was given to the teacher in accordance with subsection 8.23(4), the panel may proceed with the hearing and may take any action it is authorized to take under this Act and make any order that the panel could have made in the presence of the teacher.</p>	<p><b>8.28</b> What if the investigated teacher fails to cooperate with the written submission type hearing, can the panel make a decision without the investigated teachers submission?</p>
	<p style="text-align: center;"><b>FINDINGS AND ORDERS</b></p> <p><b>Findings after hearing</b></p> <p><u>8.29(1)</u> After a hearing, a panel may make any of the following findings:</p> <ul style="list-style-type: none"> <li>(a) dismiss the referral;</li> <li>(b) determine that the investigated teacher has been or is guilty of professional misconduct;</li> <li>(c) determine that the investigated teacher has been or is incompetent to carry out the professional responsibilities of a teacher;</li> <li>(d) determine that the investigated teacher does not have the capacity to carry out the professional responsibilities of a teacher because of a physical or mental disability;</li> <li>(e) make any other report to the commissioner that the panel considers appropriate.</li> </ul> <p><b>Considerations</b></p> <p><u>8.29(2)</u> In making a finding, the panel may consider any of the following in relation to the investigated teacher:</p> <ul style="list-style-type: none"> <li>(a) previous decisions not to take further action after a preliminary review under section 8.12;</li> <li>(b) previous investigations under section 8.14;</li> <li>(c) previous consent resolution agreements under section 8.20;</li> <li>(d) previous findings under this section or orders under section 8.30;</li> <li>(e) disciplinary action taken under this Act before the coming into force of this section.</li> </ul>	<p><b>8.29 (1) (d)</b> What if a person has a disability will it be protected? The panel is responsible for making a determination of physical or mental disabilities? Employers have an obligation to accommodate teachers with disabilities to the point of undue hardship. Does this now supersede that responsibility?</p>

CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
	<p><b>Orders after hearing</b></p> <p><u>8.30</u> If a panel makes a finding under clause 8.29(1)(b), (c) or (d), it may make an order setting out one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) a reprimand of the investigated teacher;</li> <li>(b) a requirement that the director of certification suspend the teaching certificate of the investigated teacher <ul style="list-style-type: none"> <li>(i) for a fixed period,</li> <li>(ii) until the teacher has fulfilled conditions imposed by the panel, or</li> <li>(iii) until the teacher has satisfied the director of certification that the teacher is able to carry out the teacher's professional responsibilities;</li> </ul> </li> <li>(c) a requirement that the director of certification cancel the teaching certificate of the investigated teacher;</li> <li>(d) a requirement that the director of certification cancel the teaching certificate of the investigated teacher unless the teacher has fulfilled conditions by a fixed date imposed by the panel;</li> <li>(e) a requirement that the director of certification not issue a teaching certificate to the investigated teacher for a fixed or indeterminate period;</li> <li>(f) a requirement that the director of certification place specified limitations and conditions on the investigated teacher's teaching certificate.</li> </ul> <p><b>Power to award costs</b></p> <p><u>8.31(1)</u> The panel may make an order requiring the investigated teacher to pay all or part of the costs of a hearing if the panel considers the conduct of the investigated teacher to have been unreasonable, including by causing undue delay or taking steps that were improper or vexatious.</p> <p><b>Filing of order</b></p> <p><u>8.31(2)</u> An order under subsection (1) may be filed in the Court of King's Bench and may be enforced in the same manner as a judgment of the court.</p> <p><b>Written decision</b></p> <p><u>8.32(1)</u> A panel must make a written decision on the matter, consisting of its findings, any order made by it and the reasons for the decision, and give it to</p> <ul style="list-style-type: none"> <li>(a) the investigated teacher;</li> <li>(b) subject to subsection (3), in the case of a complaint or report, the person who made the complaint or report;</li> <li>(c) the commissioner; and</li> <li>(d) the director of certification.</li> </ul>	<p><b>8.30</b> If an investigated teacher's certificate is suspended can they still engage in other work besides teaching students? E.g. curriculum development or given the fact they can't teach under the PSA (teacher definition) ?</p> <p><b>8.30 (b) (iii)</b> Is this a component of competency?</p> <p><b>8.31 (1)</b> What if the complainant is delaying the process?</p> <p><b>8.32 (1) (e)</b> the Division also ought to receive the written decision on the matter</p>

CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
	<p><b>Publication of decision</b></p> <p><u>8.32(2)</u> Subject to subsection (3), the director of certification must make the written decision public, and may do so by posting a notice on a government website.</p> <p><b>Exception</b></p> <p><u>8.32(3)</u> If the commissioner considers that making the written decision public would cause significant hardship to a person who was harmed, abused or exploited by the investigated teacher or is otherwise not in the public interest, the commissioner may</p> <ul style="list-style-type: none"> <li>(a) direct the director of certification to make public a summary of the decision, excluding all identifying information; or</li> <li>(b) decide not to make the decision public.</li> </ul> <p><b>Further orders preventing public disclosure</b></p> <p><u>8.33</u> In situations in which the panel may make an order that the public be excluded from all or part of a hearing, the commissioner may make any orders the commissioner considers necessary to prevent the public disclosure of matters (including documents) disclosed at the hearing, including an order banning publication.</p> <p><b>Notice to employers</b></p> <p><u>8.34</u> If an order is made to suspend or cancel a teaching certificate or place limitations or conditions on a certificate, the director of certification must</p> <ul style="list-style-type: none"> <li>(a) notify all employers of teachers; and</li> <li>(b) post the information on the registry.</li> </ul>	<p><b>8.32 (2)</b> Is this an executive summary of a report?</p> <p>Is the panel protected from any counter litigation against them for their decision? OR does 19.2 make panel members “agents of the government” and not subject to litigation?</p> <p><b>8.34</b> Why doesn’t employer get notice of reprimand issued pursuant s. 8.30(a)?</p>

CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
	<p style="text-align: center;"><b>APPEAL</b></p> <p><b>Appeal to court</b></p> <p><u>8.35(1)</u> The investigated teacher or the commissioner may appeal a finding of the panel under subsection 8.29(1) or an order made under section 8.30 to the court.</p> <p><b>How to appeal</b></p> <p><u>8.35(2)</u> An appeal may be commenced by filing a notice of appeal within 30 days after the decision of the panel is given to the investigated teacher. If the investigated teacher appeals, the teacher must promptly give a copy of the notice to the commissioner.</p> <p><b>Powers of court on appeal</b></p> <p><u>8.35(3)</u> On hearing the appeal, the court may</p> <ul style="list-style-type: none"> <li>(a) dismiss the appeal;</li> <li>(b) make any finding or order that in its opinion ought to have been made; or</li> <li>(c) refer the matter back to a panel for further consideration in accordance with any direction of the court.</li> </ul> <p><b>Stay pending appeal</b></p> <p><u>8.35(4)</u> An order of the panel remains in effect despite an appeal unless the court, on application, stays the order pending the appeal.</p>	
	<p style="text-align: center;"><b>CONFIDENTIALITY OF INFORMATION</b></p> <p><b>Confidentiality of information</b></p> <p><u>8.36</u> The commissioner, a panel member and any person appointed or retained for the purpose of this Part must keep confidential all information that comes to their knowledge in the course of their responsibilities and must not disclose the information to any other person or entity unless</p> <ul style="list-style-type: none"> <li>(a) the information is available to the public or is authorized or required to be disclosed under this Part;</li> <li>(b) disclosure is necessary to administer or enforce this Act or the regulations;</li> <li>(c) disclosure is necessary to comply with an order made by a court or other person or body with jurisdiction to compel production of the information; or</li> <li>(d) the person the information is about consents to the disclosure.</li> </ul>	

CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
	<p style="text-align: center;"><b>REGULATIONS</b></p> <p><b>Regulations</b></p> <p><u>8.37</u> The minister may make regulations</p> <ul style="list-style-type: none"> <li>(a) prescribing conduct for the purpose of the definition "professional misconduct" in section 8.1;</li> <li>(b) respecting the commissioner's rules of practice and procedure;</li> <li>(c) respecting the manner of giving notice of a hearing, decision or other matter under this Act;</li> <li>(d) respecting circumstances in which a hearing or part of a hearing should be closed to the public for the purpose of subsection 8.27(2);</li> <li>(e) prescribing time lines within which the commissioner or a hearing panel must act on a matter;</li> <li>(f) defining any word or expression used but not defined in this Part;</li> <li>(g) respecting any matter the minister considers necessary or advisable to carry out the purpose of this Part.</li> </ul>	

CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
	<p style="text-align: center;"><b>PART 4</b> <b>TEACHER REGISTRY</b></p> <p><b>Teacher registry</b></p> <p><a href="#">8.38(1)</a> The director of certification must establish and maintain an online registry of teachers for the purpose of providing the public with the information described in this section.</p> <p><b>Contents</b></p> <p><a href="#">8.38(2)</a> The registry must include the following information about each teacher who holds a teaching certificate on or after the coming into force of this section:</p> <ol style="list-style-type: none"> <li>1. The teacher's name and, subject to subsection (4), any previous name known to the director.</li> <li>2. The date the teaching certificate was issued, its class and its current status.</li> <li>3. A record of any suspension or cancellation of the teaching certificate or of any current limitations or conditions imposed on it.</li> <li>4. Any other information that the regulations specify as information to be kept on the registry.</li> </ol> <p><b>Contents re teachers previously certified</b></p> <p><a href="#">8.38(3)</a> In addition, the registry must include</p> <ol style="list-style-type: none"> <li>(a) the information mentioned in items 1 and 2 of subsection (2) for each teacher who held a teaching certificate after January 1, 1960; and</li> <li>(b) the information mentioned in item 3 of subsection (2) for each teacher who held a teaching certificate after January 1, 1990.</li> </ol> <p><b>Previous name</b></p> <p><a href="#">8.38(4)</a> A teacher who does not wish to have a previous name included in the registry may ask the director of certification to exclude it. The director must then exclude the previous name unless satisfied that doing so is not in the public interest.</p> <p><b>Organization of registry</b></p> <p><a href="#">8.38(5)</a> The registry may be organized in any manner the director of certification considers most accessible by the public, including by class of teaching certificate.</p>	



CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
<p><b>ADVISORY BOARD</b></p>	<p><i><u>9</u> The centred heading before section 10 is replaced with the following:</i></p> <p><b>PART 5 GENERAL PROVISIONS</b></p>	
<p><b>Advisory Board</b>  <u>10</u> There shall be a board to be known as "The Advisory Board".</p>		
<p><b>Composition of board</b>  <u>11(1)</u> The board shall be composed of</p> <ul style="list-style-type: none"> <li>(a) the deputy minister or a designate of the deputy minister;</li> <li>(b) the Director of Administration or his designate;</li> <li>(c) the Director, Program Development or his designate;</li> <li>(d) the chairman of the Professional Development Committee of the Manitoba Teachers' Society;</li> <li>(e) subject to subsection (2), not fewer than 21 persons or more than 26 persons appointed by the Lieutenant Governor in Council of whom <ul style="list-style-type: none"> <li><b>(i) one shall be a field representative,</b></li> <li>(ii) one shall be a representative of the Community Colleges of the department,</li> <li>(iii) one shall be a school superintendent appointed from persons nominated by The Manitoba Association of School Superintendents,</li> <li>(iv) three shall be members of The Manitoba Teachers' Society appointed from members nominated by that society,</li> <li>(v) four shall be trustees on school boards that are members of the Manitoba School Boards Association appointed from persons nominated by that association,</li> <li>(vi) one shall be a member of and nominated by the Senate of The University of Manitoba,</li> <li>(vii) one shall be a member of and nominated by the Senate of Brandon University,</li> <li>(viii) one shall be a member of and nominated by the Senate of the University of Winnipeg, and</li> <li>(ix) the rest shall be persons appointed by the Lieutenant Governor in Council who are not employees of the department or members of an association, society or Senate referred to in this subsection.</li> </ul> </li> </ul> <p><b>Nominations</b>  <u>11(2)</u> Where under subsection (1) any group, society or association is required to nominate persons for appointment as members of the board, it shall nominate twice as many persons as are to be appointed from the persons nominated.</p>	<p><i><u>10</u> Subclause 11(1)(e)(i) is repealed.</i></p>	

CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
<p><b>Failure to nominate or appoint</b>  <u>11(3)</u> Where an association, society or a Senate fails to nominate or appoint, as the case may require, any person or the number of persons required to be nominated or appointed under this section within one month of being requested to do so by the minister, the Lieutenant Governor in Council may appoint to the board such person or persons as he may consider advisable.</p>		
<p><b>Term of office</b>  <u>12(1)</u> Except where a member of the board is appointed to complete a term of a member who has resigned or died or ceased to be eligible as a member before the end of his term, the members of the board appointed under subsection 11(1) shall commence their term of office on May 1 in the year in which they are appointed and shall continue in office for a period of two years and thereafter until their successors are appointed.</p> <p><b>Re-appointment</b>  <u>12(2)</u> An appointed member of the board is eligible for re-appointment for a second consecutive term of office, but he is not eligible for appointment for any further term of office as a member of the board, unless one year has elapsed since the expiry of his second successive term of office as a member of the board.</p>		
<p><b>Vacancies</b>  <u>13(1)</u> When an appointed or nominated member of the board vacates his office, or a vacancy occurs under subsection (2) or (3) before the expiry of his term of office, his successor shall be appointed or nominated, as the case may require, in the same manner in which the member who caused the vacancy was appointed or nominated.</p> <p><b>Members ceasing to be representatives</b>  <u>13(2)</u> Where a person appointed to the board under clause 11(1)(e) ceases to be a member of the society, association or Senate that nominated or appointed him, he shall cease to be a member of the board.</p> <p><b>Disqualification</b>  <u>13(3)</u> Where a member of the board appointed under clause 11(1)(e) absents himself from three successive regular meetings of the board without its authorization by resolution duly recorded in its minutes, he shall cease to be a member of the board.</p>		

CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
<p><b>Chairman and vice-chairman</b>  <u>14(1)</u> The board shall appoint a chairman and vice-chairman from among its members.</p> <p><b>Secretary</b>  <u>14(2)</u> The minister shall appoint a person who is not a member of the board to be secretary of the board but the secretary shall have no voting rights.</p> <p><b>Appointment of consultants and advisors</b>  <u>14(3)</u> Where he deems it necessary or advisable, the minister may appoint consultants and advisors to the board.</p>		
<p><b>Expenses and remuneration of board</b>  <u>15</u> The members of the board may be paid the amount of expenses necessarily and reasonably incurred by them in the performance of their duties and such other remuneration for the performance of their duties as the Lieutenant Governor in Council may determine.</p>		
<p><b>Powers of board</b>  <u>16(1)</u> Notwithstanding any other provision of this Act, the board may</p> <ul style="list-style-type: none"> <li>(a) make regulations with respect to religious exercises in public schools;</li> <li>(b) make regulations with respect to patriotic observances in public schools;</li> <li>(c) consider and make recommendations to the minister concerning reports of committees appointed by the minister to study and revise course and subject outlines;</li> <li>(d) on its own initiative or by referral of the minister assess the curricula, text books and other instructional materials for use in public schools; and</li> <li>(e) engage in research and study of matters of educational policy, other than those of administrative detail, and shall report thereon to the minister.</li> </ul> <p><b>Duties</b>  <u>16(2)</u> The board shall consider such other matters as may be referred to it by the minister, and shall report thereon to the minister.</p> <p><b>Annual report</b>  <u>16(3)</u> The board shall report annually to the minister and may make suggestions and recommendations for promoting education generally as may be deemed useful and expedient; and the report shall be laid before the Legislative Assembly if it is then in session, and if it is not, then within 15 days of the commencement of the next ensuing session thereof.</p>		

CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
<p><b>Rules of procedure</b>  <u>17(1)</u> Subject to subsection (2), the board may make rules not inconsistent with this Act, respecting its own procedure, frequency and place of meetings, and fixing a quorum of the board.</p> <p><b>Meetings</b>  <u>17(2)</u> The board shall meet not less frequently than once every two months during the months from and including September of each year to and including the June next following, at such times as the board may determine.</p> <p><u>18</u> [Repealed]</p>		
<p><b>Protection from liability</b>  <u>19(1)</u> No action or proceeding may be brought against the minister or an employee or agent of the government for any act done in good faith in the performance or intended performance of a duty or the exercise or intended exercise of a power under this Act or <i>The Public Schools Act</i> or the regulations made under either Act, or for any neglect or default in the performance or exercise in good faith of such a duty or power.</p> <p><b>Protection from liability: teacher certification and classification</b>  <u>19(2)</u> No action or proceeding for damages, retroactive remuneration or any other loss may be brought against the government, the minister <b>or an employee or agent of the government</b> in respect of a determination as to a teacher's classification or certification made in good faith and without negligence under this Act or the regulations.</p>	<p><i><u>11</u> Subsection 19(2) is amended by striking out "or an employee or agent of the government" and substituting ", an employee or agent of the government, the commissioner or a member of a panel".</i></p>	

CURRENT Education Administration Act	Proposed Amendments – BILL 35	MSBA Comments
	<p><i>Transitional – "former Act" defined</i></p> <p><i><u>12(1)</u> In this section, "former Act" means <b>The Education Administration Act</b> as it read immediately before the coming into force of this section.</i></p>	
	<p><i>Referral for disciplinary hearing under former Act</i></p> <p><i><u>12(2)</u> A matter that was referred to the review committee under section 5 of the former Act before the coming into force of this section must be concluded under the former Act as though this Act had not come into force.</i></p>	
	<p><i>If no referral for disciplinary hearing</i></p> <p><i><u>12(3)</u> A matter about which no referral was made to the review committee under the former Act before the coming into force of this section must be dealt with under this Act.</i></p>	
	<p><i>Matters dealt with under this Act</i></p> <p><i><u>12(4)</u> In the circumstance mentioned in subsection (3),</i></p> <ul style="list-style-type: none"> <li><i>(a) the teacher's teaching certificate is deemed to have been suspended under section 8.17 as enacted by section 8 of this Act;</i></li> <li><i>(b) the teacher may request the commissioner to take up the matter under this Act; and</i></li> <li><i>(c) on receiving a request, the commissioner must deal with the matter as if the commissioner had initiated an investigation under subsection 8.14(2) as enacted by section 8 of this Act.</i></li> </ul>	
	<p><i>Ongoing suspensions</i></p> <p><i><u>12(5)</u> If a teaching certificate is under suspension on the day this section comes into force, the suspension continues and any conditions imposed in relation to the suspension continue to apply.</i></p>	
	<p><i>Transitional regulations</i></p> <p><i><u>12(6)</u> The minister may make regulations to remedy any difficulty, inconsistency or impossibility resulting from the transition to this Act of matters respecting teacher discipline under the former Act.</i></p>	

CURRENT – The Public Schools Act	Proposed Amendments – Bill 35 The Public Schools Act	MSBA Comments
	<i>Consequential amendments, C.C.S.M. c. P250</i> <u>13(1)</u> <i>The Public Schools Act is amended by this section.</i>	
	<u>13(2)</u> <i>Subsection 1(1) is amended by adding the following definition:</i> "field representative" means a member of the staff of the department who is given responsibilities under this Act; (« représentant régional »)	
<p><b>Certain duties of school boards</b></p> <p>41(1) Every school board shall</p> <p>(t) where it has knowledge thereof, report to the minister any teacher employed in a school within the jurisdiction of the school board who has been charged with or convicted of an offence under the <i>Criminal Code</i> (Canada) relating to the physical or sexual abuse of children;</p>	<u>13(3)</u> <i>Clause 41(1)(t) is repealed.</i>	
CURRENT – The Manitoba Teachers' Society Act	Proposed Amendments – Bill 35 The Manitoba Teachers' Society Act	MSBA Comments
<p><b>Recommendation to the minister</b></p> <p><u>15</u> If the review committee orders the member's membership be suspended or terminated, the committee may recommend to the minister that the conduct of a member be referred to the Certificate Review Committee established under <i>The Education Administration Act</i>.</p>	<p><i>Consequential amendment, C.C.S.M. c. T30</i></p> <p><u>14</u> <i>Section 15 of The Manitoba Teachers' Society Act is repealed.</i></p>	
	Coming into force	MSBA Comments
	<p><i>Coming into force</i></p> <p><u>15</u> <i>This Act comes into force on a day to be fixed by proclamation.</i></p>	