



**DATE:** August 24, 2022  
**TO:** Board of Trustees  
**FROM:** Shawna Warren, Superintendent  
**ORIGINATOR:** Lisa Lacroix, Associate Superintendent, Human Resources  
**GOVERNANCE POLICY:** [AP700 - Certificated Staff](#)  
**ADDITIONAL REFERENCE:** *Bill 85 Education Statutes (Students First) Amendment Act, 2021*

**SUBJECT:** Administrative Procedure 700 – Certificated Staff

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**PURPOSE:**

For information.

**BACKGROUND:**

*Administrative Procedure 700 Certificated Staff* was amended to align with *Bill 85 Education Statutes (Students First) Amendment Act, 2021* which received Royal Assent on December 2, 2021, and was proclaimed on June 15, 2022, to come into effect on September 1, 2022.

The changes to the *Education Act* will include the following to section 229.1 which states:

- (1) *Before a board enters into a contract of employment with an individual in a position that requires the individual to hold a certificate of qualification as a teacher, a leadership certificate or a superintendent leadership certificate,*
  - (a) *subject to subsection (3), the individual must provide a criminal record check and vulnerable sector check to the board, and*
  - (b) *the board must be satisfied that the results of those checks demonstrate that the individual is suitable for employment in the position.*
  
- (2) *Where an individual is employed by a board in a position that requires the individual to hold a certificate of qualification as a teacher, a leadership certificate or a superintendent leadership certificate,*
  - (a) *Subject to subsection (3) the individual must provide a criminal record check and vulnerable sector check to the board every 5 years after the individual last provided a criminal record check and vulnerable sector check to the board, and*
  - (b) *The board must be satisfied that the results of those checks demonstrate that the individual continues to be suitable for employment in the position.*
  
- (3) *Where a board is of the opinion that it is not possible for an individual to provide a criminal record check or vulnerable sector check, the individual must provide evidence that is sufficient for the board to determine whether the individual is suitable for employment in the position.*

- (4) *An individual referred to in subsection (2) who is employed by a board on the coming into force of this section and has not provided a criminal record check and vulnerable sector check to the board within 5 years before the coming into force of this section must provide a criminal record check and vulnerable sector check to the board within 16 months after the coming into force of this section.*

Further, the Alberta Teachers' Association Mediators report, which was ratified in June 2022, contains the following letter of understanding:

*Letter of Understanding on Bill 85 Education Statutes (Students First) Amendment Act, 2021*

*WHEREAS bill 85 has been passed by the legislature but is not yet fully proclaimed; and  
WHEREAS school divisions and teachers may be subject to new obligations if and when the Act is fully proclaimed and associated Regulations are implemented;  
NOW THEREFORE THE PARTIES AGREE TO THE FOLLOWING:  
The school division shall reimburse the teacher for the costs of complying with any requirement to provide a criminal record check and vulnerable sector check as part of their ongoing employment.*

AP 700 – *Certificated Staff* currently contains the following section:

Documentation Required at the time of Hiring:

4.0 *Criminal Record and Vulnerable Sector Check (Security Clearance)*

The amended AP700 will include the requirement to obtain a criminal record and vulnerable sector check every five years and the employee shall be reimbursed for the associated cost. The employee continues to be responsible for the cost associated with the initial criminal record and vulnerable sector check required at the time of hiring.

This will affect approximately 271 employees within the first 16 months of the effective date and the cost varies depending on location (\$40 - \$76).

Administration is prepared to respond to questions at the August 24, 2022, Public Board meeting.

**ATTACHMENT(S):**

1. Administrative Procedure 700 – *Certificated Staff* – Tracked Changes

## **Administrative Procedure 700**

# **Certificated Staff**

**1659539160**

**Date: May 20, 2021**

**Responsible Administrator: Associate Superintendent Human Resources**

### **PURPOSE**

Sturgeon Public Schools believes that an effective instructional program is determined by the quality of its staff. The division is committed to ensuring that the best possible employees are hired.

### **PROCESS**

The Associate Superintendent Human Resources will coordinate the hiring of staff for the Division.

### **PROCEDURE**

1. Sturgeon Public School's goal is to retain the best employees and to place them to the advantage of the school division, the students and the employee concerned.
2. The Board delegates the responsibility for staffing to the Superintendent.
3. Mobility is beneficial to staff members, schools and the division. Mobility provides staff with a growth opportunity through a change in setting.
4. The Board recognizes that only certificated staff who hold a valid Alberta Teaching Certificate, as required by The Education Act, shall be employed as teachers within the Division.
5. The Associate Superintendent Human Resources will provide a template to principals for reporting school program plans to the Superintendent.

### **Program Plans:**

6. The school Principal is responsible and accountable for staffing plans at the school level based on student and program needs and according to the resources available to the school.
7. The Principal will generate a projected student enrolment figure for the following school year.

8. The Director of Finance shall provide each Principal with a tentative budget based upon the projected enrolment figure.

9. The Principal shall develop, within the context of the projected budget, a school program plan which will best accommodate the needs of the students and programs in the school.

10. The Superintendent or designate may initiate a review of a proposed school program plan, or the Principal may request such a review by the Superintendent.

11. Once the Principal has formalized the program plan, a copy will be sent to the Superintendent or designate indicating the following:

11.1 How existing staff will be deployed;

11.2 Staff surplus to the program plan; and

11.3 Staff required to meet the needs of the program plan.

12. In planning and implementing the school program plan, the Principal shall ensure that sufficient levels of staffing, professional and/or support staff are maintained for division and school programs in keeping with the needs of the students and programs in the school, as well as Alberta Education expectations. Program plans will be monitored by the Senior Executive Committee.

### **Hiring Procedure:**

13. All vacant positions shall be classified in one of the following ways:

13.1 Open to external and/or internal competition.

13.2 Not open to competition.

14. For all vacant positions classified under Guidelines 13.1, the Associate Superintendent Human Resources shall:

14.1 advertise internally on the Division website and may advertise externally in appropriate magazines, newspapers or by other means; and

14.2 fill the position through an approved selection process.

15. Guideline 13.2 shall apply whenever:

15.1 division surplus staff need to be accommodated;

15.2 short-term temporary positions must be filled.

15.3 In the event that a position, which has been filled under Guideline 15.2 develops into a long-term position, then Guideline 13.1 shall apply.

16. Placements involving transfer requests and placement requests from staff returning from leave of absence, subject to experience, academic qualifications and relative competency will be finalized prior to the placement of new staff.

17. The Associate Superintendent Human Resources shall establish a shortlisting criteria process that involves the school Principal and where appropriate the Director of Learning Support in accordance with Guideline 19.

18. The Associate Superintendent Human Resources or designate with the assistance of the Principal of the school where the opening exists may interview applicants selected under Guideline 17.

19. All relevant data such as training, experience related to the position, evaluation reports, student teaching reports, and references shall be considered in the selection of certificated staff.

20. The Associate Superintendent Human Resources or designate with the assistance of the Principal of the school, where the opening exists, will select the most suitable applicant after careful consideration and application of the criteria established in the Purpose, and Guidelines 16, 17, 19.

21. The Principal will check references and advise the Superintendent or designate of their preferred candidate. Upon approval of the Superintendent or designate the Principal will make an offer to the successful candidate. The Principal will advise the Associate Superintendent Human Resources of the verbal acceptance. The Principal will phone “regrets” to unsuccessful applicants.

22. All placements will be made in writing by the Superintendent or designate.

### **Substitute Teachers:**

23. Substitute teachers, to replace teachers temporarily absent from their duties, will be engaged according to the process outlined.

24. Prior to a substitute teacher being engaged, the substitute teacher will provide a Criminal Record and Vulnerable Sector Check for his/her file to ensure the security of the students and staff.

25. All substitute teachers are engaged through the Human Resources Information System (HRIS) or the substitute services desk. For emergent situations or unfilled vacancies, phone calls to substitute teachers are made between 6:30 and 7:30 a.m.

26. Principals/teachers may request preferred substitute teachers through the HRIS or the substitute services desk for their schools. However, principals/teachers are not to contact substitutes directly.

27. Principals who have concerns about the performance of a substitute teacher should advise the substitute teacher and the Associate Superintendent Human Resources.

### **Teachers Employed on a Part-Time Basis:**

28. Teachers employed on a part-time basis will work and be paid according to their full-time equivalency (FTE) as per the Alberta Teachers Associate Collective Agreement.

29. The school year is divided into “Instructional” and “Non-Instructional” days. These days will be pro-rated when assigning duties to a part-time teacher.

30. It is the responsibility of the Principal to assign other duties to part-time teachers in proportion to the FTE of the teacher.

30.1 The teaching assignment as outlined in Guideline 29 needs to be communicated in written form at the time of assigning duties.

31. Notwithstanding any of the above, all teachers have a professional responsibility to dedicate time to carry out their professional duties which may extend beyond the normally scheduled working time.

### **Pension and Re-hiring Teachers:**

32. A teacher may be eligible to teach part-time and collect their pension simultaneously during a school year. This may be considered by Sturgeon Public Schools depending on circumstances and needs of the Division.

33. Eligible teachers, who wish to participate in this plan, must forward a letter to the Superintendent by September 30.

34. The Superintendent will consider the request and either approve or reject the request in light of the staffing needs of the Division. The Superintendent or designate will inform the teacher of the decision in writing.

35. If the request is approved, the teacher must submit a letter of resignation to the Superintendent or designate by December 1 effective date. Upon receipt of the letter of resignation, a temporary contract of employment effective January 1 to June 30 shall be prepared by the Superintendent or designate and sent to the teacher for signature.

36. Teachers participating in this plan will be subject to the rules and regulations of the Alberta School Employees Benefit Plan.

37. Teachers who participate in this plan may be re-hired on a temporary contract in future years as long as the contract does not exceed 0.6 FTE during any one school year.

38. Teachers considering this plan must check with the Alberta Teachers Retirement Fund to determine how this plan would affect them personally.

39. The timelines reflected in this administrative procedure are the usual timelines for entering into this plan. Other timelines may be considered at the discretion of the Superintendent.

### **Documentation Required at the time of Hiring:**

40. ~~All new, and returning staff who had their employment with Sturgeon Public School Division terminated more than six (6) months prior, are required to obtain a Criminal Record check and Vulnerable Sector Check. A criminal record check and vulnerable sector check -which is no older than six (6) months will be accepted. (Security Clearance)\*~~

40.1 An additional criminal record check and vulnerable sector check must be provided to Sturgeon Public School Division every five (5) years after the employee last provided a criminal record check and vulnerable sector check to the Division.

~~This Security Clearance must be no older than six (6) months. This is required of new staff and staff who had terminated their employment with Sturgeon Public Schools more than six (6) months previously.~~

#### 41. Banking Information

All staff are paid by direct deposit and must submit a void cheque or complete a direct deposit banking information form upon hiring. Faxes/copies are acceptable.

#### 42. Social Insurance Number (SIN)

Employee must provide their SIN to Human Resources within three (3) days of their employment start date.

#### 43. TD1 Personal Tax Credits Return

#### 44. Benefits (excludes substitute teachers)

All new staff complete and return to the Human Resources Advisor their benefit package.

#### 45. Birth Certificate

A copy of the employee's birth certificate within two (2) weeks of commencement of their employment.

#### 46. Teaching Certificate

A copy of the employee's valid Alberta Teaching Certificate or Letter of Authority must be on file prior to employment.

47.Evaluation of Teacher Training\*

48.Proof of Past Teaching Experience\*

\*Original documents may be photocopied, the copy stamped "Copy of Original", dated and signed by the receiver and the original returned to the employee.

## **References**

Admin Procedure: 720 Teacher Staffing, Certification and Placement

Education Act: Sections 208, 212