

17

Improvement of Instruction Series

Substitute Teachers: Professional Replacements

Integration into the School System



The Alberta Teachers' Association

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Instruction
Series No 17

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Preface

The Alberta Teachers' Association appreciates the important contribution made to education and to the teaching profession by our members who serve as substitute teachers. The Association is also cognizant of the unique nature of the service provided by these colleagues and the concomitant difficulties of serving as professional replacements for teachers who are absent from their regular duties. In recognition of this, the Association has, as one of its standing committees, the Substitute Teachers Committee. The mandate of the committee is to study the unique problems, concerns and needs of substitute teachers and provide advice to Provincial Executive Council on these matters.

This monograph is intended to assist in this very necessary program of ongoing education and awareness. I commend it to you.

Dennis E Theobald
Executive Secretary

Introduction

The Alberta Teachers' Association established the Task Force on Substitute Teachers in 1982 to examine all aspects of substitute teaching and draft a monograph for publication. That monograph was published in 1983.

In 1986 the first provincial substitute teachers conference was organized by an ad hoc committee of substitute teachers and Association staff. Recommendations approved at that conference encouraged the Association to investigate means by which it could determine and meet the unique needs of substitute teachers.

Provincial Executive Council responded by establishing the Substitute Teachers Committee as a standing committee in 1987. As part of its responsibility, this committee was to study the unique problems, concerns and needs of substitute teachers and to provide advice to Provincial Executive Council on these matters. Another responsibility was to plan and conduct an annual provincial substitute teachers conference. The work of this committee has done a great deal to raise the status of substitute teachers within the profession.

As well, an executive staff officer was designated to work directly with substitute teachers to help the Association provide relevant services to this important group of members. Many locals have facilitated the formation of substitute teacher groups as official subgroups within the locals. Substitute teachers are being encouraged to become active within the profession, to define their role as professional replacements and to communicate the very important contributions they make to education in Alberta.

The 1996 Annual Representative Assembly (ARA) approved an amendment to the general bylaws of the Association that would clarify the membership status of substitute teachers. The Association bylaws now designate substitute teachers as active members immediately upon first employment by a school board during that year. This active status continues until the end of that school year or until the substitute teacher is no longer on the approved substitute teacher roster of a school board, whichever occurs first. This action was very important in that it confirmed the Association's recognition of substitute teachers as important, active members with all the concomitant rights, responsibilities and duties.

This revised monograph is intended to be a source of relevant information for substitute teachers and to facilitate their integration into the profession.

1

Substitute Teachers: Professional Replacements

Contract Status

Substitute teachers are fully qualified, certificated teachers employed by school boards to replace the regular classroom teacher when necessary. They are employed on a daily or short-term basis under section 208 of the *Education Act*.

208(1) A teacher may teach without a contract of employment that is in accordance with section 205 only when the teacher is employed

- (a) on a day to day basis, or
- (b) to occupy a vacancy that is expected to be less than 20 consecutive teaching days in duration.

(2) Neither a teacher who teaches without a contract of employment that is in accordance with section 205 nor the board employing the teacher may appeal to the Board of Reference in respect of that teacher's employment.

Of special significance in this section of the act is the implication that a board may not employ a teacher without a contract if the position that teacher is to occupy is known in advance to be vacant for 20 or more consecutive teaching days. If such a vacancy is to be filled, it must be done by offering a contract to a teacher. This would usually be a temporary contract under section 209 of the *Education Act*.

209(1) A teacher may be employed by a board under a temporary contract of employment when that teacher is employed for the purpose of replacing a teacher who is absent from the teacher's duties for a period of 20 or more consecutive teaching days.

(2) A temporary contract of employment entered into under subsection (1) must

- (a) specify the date on which the teacher commences employment with the board, and

(b) terminate

- (i) on the June 30 next following the commencement date specified in the contract, or
- (ii) on a date provided for in the contract, whichever is earlier.

(3) Notwithstanding anything contained in a temporary contract of employment, a party to a temporary contract of employment may terminate that contract by giving 30 days' written notice of the termination to the other party to the contract.

(4) Section 231 does not apply to the termination of a temporary contract of employment under this section.

As a professional replacement for the regular classroom teacher, the substitute teacher must be recognized and accepted as an important member of the profession. Students' education cannot be put on hold due to the absence of their teacher. It takes an enthusiastic, flexible, skilful and knowledgeable person to be effective in the variety of positions substitute teachers are asked to fill, often with very little notice.

If substitute teachers were not available as professional replacements, regular classroom teachers would not be able to take advantage of inservice and professional development opportunities, and the variety of leaves available to teachers would be much more difficult to obtain. Substitute teachers are integral members of the public education system and the teaching profession.

2

Substitute Teachers: Within the Profession

Membership Status

The Association membership status of substitute teachers was clarified at the 1996 Annual Representative Assembly (ARA). The general bylaws of the Association were amended as follows:

3(2) Subject to the *Teaching Profession Act*, substitute teachers shall be considered as active members immediately upon first employment during that year and such status shall continue until the end of that school year or until they are no longer on the approved substitute teacher roster of the school board, whichever occurs first.

This bylaw amendment confirms that substitute teacher members have all of the rights, responsibilities and duties of other active members of the Association.

Fees

One per cent of a substitute teacher's salary is deducted by the employing school board and submitted to the Association as fees. Twenty per cent of the fees collected are rebated to the appropriate Association local, thus providing the substitute teacher with membership in the local that receives the fee rebate. Because of the work patterns of some substitute teachers, they may contribute fees to more than one local. Typically, a substitute teacher is considered to be a member of the local to which he or she contributes the most fees.

Substitute Teachers Group

The Alberta Teachers' Association encourages all locals to make provision for a substitute teachers group within the local. The following clause is from the section "Standard Local Constitution with Local Council," contained in the *Members' Handbook*.

25(1) At the request of ten or more substitute teacher members, this local shall organize a substitute teacher group.

(2) Those eligible for participation in the group shall be members who substituted for one of the employing jurisdictions included in the local for at least one day during the previous twelve-month period.

(3) An appropriate budget for the group shall be established.

(4) The frame of reference for the group shall be as follows:

(a) Its objects shall be to advance the professional skills and knowledge unique to substitute teaching and to advance within the local the special interests of substitute teachers.

(b) It shall have at least one general meeting per year.

(c) It shall elect a chair, a vice-chair, a secretary-treasurer and two members-at-large to an executive which shall be responsible for organizing activities to promote the objects of the group.

(d) Its executive shall present to the local an annual report of its activities and of the disbursement of its funds.

Many local substitute teachers groups have been formed. Although their structure may vary according to the specific situation, it is important that each group be officially recognized as part of the local association.

Why a Local Substitute Teachers Group?

The creation of a local substitute teachers group offers many advantages. A substitute teachers group can

1. act as a focus group to deal with the unique problems, concerns and needs of substitute teachers;
2. provide advice to the local council on substitute teacher matters;
3. become a communications channel for two-way communications with the provincial level of the Alberta Teachers' Association;
4. provide input into local negotiations;
5. provide a voice for substitute teachers at the policy-development level through input to the teacher-board advisory committee;
6. plan and organize professional development activities;
7. collaborate with the local and/or the jurisdiction on orientation programs for its members;
8. manage the budget allocated to it by the local and/or the jurisdiction;
9. liaise with convention associations regarding appropriate sessions for its members;
10. facilitate or sponsor members' attendance at the annual provincial substitute teachers' conference;
11. raise the profile of substitute teachers within the jurisdiction and the local;
12. provide spokespeople to deal with individual and/or collective concerns at the jurisdiction or local level;

13. provide a network and support group for its members;
14. organize social activities;
15. help produce useful publications; and
16. liaise with other organized substitute teacher groups throughout the province.

Services

As active members of the Association, substitute teachers are eligible to receive both direct and indirect services. Some of the direct services provided include

1. access through the school of their choice to copies of the *ATA News* and the *ATA Magazine*, as well as a copy of monographs and pamphlets;
2. use of the Association library and its many resources;
3. advice and consultation on all issues related to employment;
4. advice and consultation on issues related to membership in the Alberta Teachers' Association;
5. consultation regarding employment insurance and assistance with appeals;
6. legal advice and assistance if criminal charges are brought against them as a result of incidents that occurred while they were providing services as members; and
7. membership in one specialist council at no cost.

Indirect services available to substitute teachers include

1. eligibility for participation in specialist councils, the annual teachers' convention and local professional development activities;
2. access to Association scholarships and fellowships;
3. representation through the collective bargaining process;
4. eligibility to represent the local at ARA and Summer Conference, and to serve on local committees as determined by the local; and
5. eligibility to be nominated for provincial Association committees, instructor corps, consultants corps and/or Association positions on Alberta Education committees.

Alberta Teachers' Retirement Fund (ATRF) Substitute Teachers' Pension

All teachers on contract with a participating school board are members of the Teachers' Pension Plan (the plan). Participating school boards include all public, separate and charter schools in Alberta. Pension contributions are made during any period of teaching under a contract. No contributions are made for day-to-day substitute work.

Teachers can purchase substitute service worked since May 1, 1971. Teachers currently on contract (active plan members) can purchase any amount of substitute service at full cost. However, the cost is subsidized by the Alberta Government if the service is purchased in one-year blocks, consisting of 186 days.

Teachers not on contract at the time of the purchase can purchase service only in the one-year (186-day) block. The cost is subsidized. At the time of retirement, all teachers with or without a contract may purchase any amount of service at the subsidized rate.

Once teachers have five years of service, they are eligible for a pension. At the same time, the funds are considered to be “locked in” and must be used to provide retirement income. The funds cannot be removed from the plan in cash but may be transferred to another locked-in savings vehicle. Generally, each year of service increases pension. The amount will vary depending on the age, annual salary and service of the particular teacher.

If a teacher leaves teaching for a period of time, cost-of-living adjustments are applied to his or her last reported salary each year he or she is not teaching. Such increases could result in a substantially higher pension. That adjusted salary will be used to calculate a teacher’s pension, as long as there is **no other service** recorded until retirement. A higher average salary results in a higher pension. Substitute teachers should contact ATRF for a pension estimate prior to purchasing service or **before** accepting a contract in their last years of teaching.

The pensions of teachers who are not active members of the plan (not on contract) commence the month following their 55th birthday or after their last purchase of service. Substitute teachers who apply for pensions after age 55 may receive the pensions retroactively to their 55th birthday unless they purchase service after age 55.

Substitute teachers must obtain accurate records of employment from each school board for which they have provided service. Such records will facilitate claiming days worked for pensionable service.

In order to determine the cost and benefit of purchasing substitute service, teachers should use the ATRF website (www.atrf.com) pension and service cost calculators. First, calculate the cost of the service. If the cost of the service is subsidized, it will cost the teacher one half of the total cost. Then calculate the pension with and without the service. Teachers can then determine if the increase in pension is worth the cost of the service. Teachers can also call ATRF at 780-451-4166 in Edmonton or 1-800-661-9582 toll free.

Certification

Substitute teaching services can be used to meet the experience requirements set by Alberta Education for permanent certification. The certification of teachers regulation requires that a teacher complete two years of full-time teaching and be recommended for permanent certification by a superintendent or other officer.

The two years of teaching experience is defined by the number of school days established by the school jurisdiction under the *Education Act*. For example, if the number of school days in the jurisdiction where the teacher is completing the experiential requirement is 193 days for the present year and 197 days for the previous year, the total required days of teaching experience would be 390.

A superintendent or other officer must make a recommendation to issue or not issue a permanent professional teaching certificate to a teacher who has completed two years of teaching experience while holding a valid Alberta teaching certificate. Under the provincial Teacher Growth, Supervision and Evaluation Policy, at least two evaluations are required before a teacher may be recommended for issuance of a permanent professional certificate.

The requirement to conduct two evaluations for substitute teachers has proven difficult to implement given the short-term nature of substitute assignments. It is the obligation of both the superintendent (or authorized recommending officer) and the teacher to ensure that the teacher meets the expectations of the Teaching Quality Standard Ministerial Order with respect to permanent certification. The guide in Appendix H outlines the responsibilities of both parties.

Substitute teachers are advised to get an accurate record of employment from each employer at the end of each school year. These records may be requested more frequently if needed for pension, employment insurance, experience increments or other reasons.

Not all collective agreements recognize substitute teaching experience for the purpose of placement on the salary grid. Substitute teachers need to be aware of those clauses in collective agreements that affect them. All Alberta Teachers' Association collective agreements are available on the Association's website (www.teachers.ab.ca).

3

Substitute Teachers : Within the Bargaining Unit

Collective Agreements

In Alberta, collective agreements negotiated between teachers and their employing school board normally contain clauses specific to substitute teachers. In all cases, these clauses refer to a daily rate of pay and when a teacher will move to grid pay. More recently, attempts have been made to increase the number of issues bargained on behalf of substitute teachers, and ways have been devised to ensure that substitute teachers have adequate input into the decision-making process. Some locals invite a representative of the substitute teachers to sit on the teacher welfare committee to provide input with respect to bargaining objectives. In all cases, the substitute teacher has the same right as any other teacher to propose amendments to the collective agreement.

The bargaining guidelines developed by the Association state that bargaining units should attempt to improve the collective agreement provisions related to substitute teachers. Some objectives that bargaining committees might work toward could ensure that

1. placement on the grid occurs on day one;
2. substitute compensation recognizes the modified workday, workweek and/or school year being implemented in some jurisdictions;
3. substitute teachers are paid at a rate of not less than 1/200 of the teacher's salary for each day taught, according to years of teacher education and years of experience;
4. time spent by substitute teachers on professional development during normal working hours is paid work and is credited for experience.

Other important provisions might deal with

1. retroactive pay following grid placement after the required number of consecutive days of service;
2. a benefits package for substitute teachers;
3. board contributions toward the cost of these benefits and/or a Health Spending Account;
4. the need for substitutes to be given preferential consideration when contract positions become available;
5. a requirement that a substitute teacher be employed each time a contract teacher is away;

6. the payment of kilometrage for substitute teachers who must drive beyond a certain distance or between multiple locations;
7. the provision of sick leave benefits or injury on the job provisions;
8. an appropriate number of substitute teachers available for service with the school jurisdiction;
9. an appeal process for substitute teachers whose service is discontinued;
10. substitute teachers being assigned the regularly scheduled supervision duties and workload (excluding supervision that precedes the first instructional block assignment) of the teacher being replaced; and
11. The half day rate of pay

School Board Policies

Substitute teachers must find ways to influence the development of school board policies that directly affect them. The working conditions for these professional replacements should be governed by policies that include such components as

1. assigned teaching responsibilities that are, in general, equivalent to the teaching responsibilities of the teacher being replaced;
2. not being assigned supervision duties in the first half day in a new teaching situation nor duties beyond those normally assigned to the teacher being replaced;
3. provision of feedback on their professional performance, provided that they are aware of existing evaluation policies and procedures and the criteria to be used in the evaluation;
4. payment for attendance at one or both days of the annual teachers' convention if sufficient services have been provided prior to the convention;
5. invitations to attend and payments for participation in inservice and/or professional development activities or the opportunity for funds for other professional development opportunities;
6. the opportunity to be assigned to a particular school staff for inservice, social or professional activities;
7. an average chargeback rate to schools for substitute teacher costs based on the actual system cost for a certificated substitute teacher from the previous school year, plus any negotiated increase for the current school year;
8. policy that is communicated to substitute teachers regarding the criteria for the selection, retention and removal of teachers from district substitute teacher rosters in accordance with due process, natural justice and good employer–employee relations;
9. a clearly outlined, open, transparent, year-round posting and hiring procedure for teaching and administrative positions that is adhered to;

10. practices such that substitute teachers receive appropriate performance evaluations on request;
11. reductions in substitute teacher pools/lists that are done in a fair and equitable manner and that, as much as possible, leave the decision to continue as a substitute teacher up to the individual substitute teacher;
12. a system whereby substitute teachers have equitable access to technology and related professional development; and
13. boards offering and funding, including pay at the daily rate, voluntary programs for professional development specific to substitute teachers to assist them in remaining current with curriculum changes, as well as new educational technology and trends in teaching and learning.

Substitute teachers must be aware of and have input into the development of school-based and district policies that will affect their role as professional educators. This input would be in both school-based decisions and district policies.

Since school-based decision making is the norm throughout the province, substitute teachers need to have input into school-based decisions that might affect their working conditions. These decisions could involve internal substitution, preparation time and supervision to name a few. Substitute teachers must be aware of the terms of the collective agreement in relation to these policies.

Employment Insurance

The Alberta Teachers' Association, through its Teacher Employment Services–Collective Bargaining program area, provides advice and assistance to substitute teachers regarding employment insurance (EI). Advice is offered by telephone and in person. The Teachers' Guide to Employment Insurance is available on the Association's website (www.teachers.ab.ca). Teacher Employment Services–Collective Bargaining staff are available to present workshops on the topic of employment insurance.

Substitute teachers may qualify for EI benefits if, in the 52 weeks preceding application for benefits or since the start of their previous EI claim, they have the required number of insurable hours of work. The Association tried to achieve agreements with school boards to use 9.1 hours per day; where there are agreements, hours range from 6 to 9.1. Substitute teachers are advised to call Barnett House for assistance.

The interests of substitute teachers must be considered when locals are determining their priorities in the upcoming round of bargaining. As well, school board policies should be developed that meet the unique needs and concerns of this group of employees. The Alberta Teachers' Association encourages local

bargaining units to improve conditions for substitute teachers and will facilitate such local efforts.

Benefits

The Alberta School Employee Benefit Plan (ASEBP) offers a benefit program to substitute teachers at the employee's cost. You are eligible to apply for this plan if you are on the substitute teacher roster of an ASEBP participating employer. For further information, contact an ASEBP benefit specialist at 780-431-4786 in Edmonton or toll-free within Alberta at 1-877-431-4786. E-mail benefits@asebp.ca; the website is www.asebp.ca.

Teachers' Conventions and Professional Development

Under the *Teaching Profession Act*, the Association is responsible for advancing and promoting the cause of education in Alberta and improving the teaching profession. A primary way in which the Association fulfills this obligation is by organizing annual conventions for teachers. The Association has established 9 convention associations in the province, which are responsible for authorizing, planning, conducting, evaluating and governing teachers' conventions. Each convention association is governed by a formal constitution and a board made up of teachers selected by the participating locals. These teachers give freely of their time and energy to plan a program that reflects the needs and interests of teachers in their area.

Teachers under contract have a professional and legal obligation to attend the convention organized in their area. Such conventions afford teachers the opportunity to keep up with new approaches and instructional methods, to identify common problems and to exchange ideas with colleagues. Conventions also help instill in teachers a sense of pride in their profession. Discipline charges can be, and have been, brought against teachers who fail to attend their annual convention.

Substitute teachers not under contract to work on the scheduled convention days may attend their designated convention. Substitute teachers should contact their local or their convention association regarding attending convention.

Convention associations maintain their own websites, which can be accessed through a link on the provincial Association website (www.teachers.ab.ca).

The Alberta Teachers' Association hosts the Substitute Teachers' Annual Conference in October. Information from past conferences is available to members when they log into the ATA website.

4

Substitute Teachers: Legal Liability

Introduction

All teachers have a legal and a professional liability and are governed by the Canadian *Criminal Code* and the law of torts or civil law in relation to their duty of care for students. Teachers' professional liability occurs because their profession is governed by the *Teaching Profession Act* and the *Education Act*, and their conduct is subject to the Code of Professional Conduct and the general bylaws of the Alberta Teachers' Association. For a detailed analysis of this liability, teachers are referred to the Association's Monograph No 7, *Teachers' Rights, Responsibilities and Legal Liabilities*. A copy of this monograph is available in every Alberta school.

In Loco Parentis

Traditionally, the teacher was considered to be acting *in loco parentis*. This means that in relation to the student, the teacher stands in the position of a caring, responsible parent and unofficial guardian. This concept allows the teacher some of the privileges of a parent but also brings with it added responsibilities for the protection of pupils. Thus, a teacher could be liable for injury or damages to a pupil if the teacher's conduct falls below the standard of care deemed to be necessary under the given circumstances. In some instances, the duty of care owed by the teacher may exceed that of the parent if special knowledge makes the teacher aware of dangers that the parent might not appreciate.

In Parens Patriae

More recently, the teacher has been judged to be acting as an agent of the state or *in parens patriae*. The duties of teachers outlined in section 196 of the *Education Act* emphasize this role. (See also *Teachers' Rights, Responsibilities and Legal Liabilities*.) Thus, the actions of teachers are often compared to those of law enforcement personnel, social workers and other public employees. The actions of a teacher must comply with the *Child, Youth and Family Enhancement Act*, the *Youth Justice Act* and legislation in the area of human rights.

Monograph No 7 provides further details in this regard.

The duty of care to individual students and the need to serve the best interests of the state has further complicated the already demanding role of the teacher.

Negligence

Negligence comes under the broader heading of tort law. The word *tort* means crooked or twisted. Generally speaking, a tort is a wrong committed by one person against another. Examples of wrongs are assault, harassment, defamation and negligence.

Negligence means not doing something a prudent and reasonable person would do or doing something a prudent and reasonable person would not do in a particular situation. It can be the subject of a lawsuit between persons whenever there is a duty upon one person not to be negligent and when a breach of that duty occurs and causes damage to another person. Negligence exists where the activity or conduct on the part of the teacher creates an unreasonable chance of danger. When teachers ignore danger or do not respond properly to danger when they should, they may be found negligent if someone is injured as a result.

Four elements must be present before negligence is established:

1. The plaintiff has suffered some damage.
2. The damage was caused by some act or omission of the defendant.
3. The act or omission was one that a reasonable person behaving with ordinary prudence would not have committed.
4. The defendant has a duty of care to the plaintiff with regard to that act or omission.

The extent to which the injured party contributed to his own damage would also be an issue in determining the amount of damages to be awarded.

Often, because they are expected to have expert knowledge about certain matters, teachers are held to a higher standard of care than parents. This is especially true in school situations that may be inherently dangerous (for example, the use of chemicals, machinery, appliances or apparatus, as well as student participation in complex activities).

Substitute teachers must be certain they have *knowledge of the necessary skills and safety precautions* associated with teaching a particular lesson that has inherently dangerous components. If substitute teachers do not have this knowledge, they are advised to use other relevant activities instead. The regular teacher and the school administration should be informed as to why the change in the lesson plan was made. The regular classroom

teacher and the school administrators should be aware that they would very likely be named in a lawsuit brought on behalf of a student if injuries were suffered while a substitute teacher was implementing elements of a lesson plan he or she was not adequately trained to teach.

Insurance

Section 54 of the *Education Act* deals with powers of school boards. Among other matters, this section requires that every board carry liability insurance or make equivalent arrangements to cover its exposure, including the exposure of its employees.

54(1) A board shall, in respect of its operations, keep in force adequate and appropriate policies of insurance for the purpose of, at a minimum, indemnifying the board and its employees and school councils in respect of claims for

- (a) damages for death or personal injury,
- (b) damage to property and . . .

Any claims, including lawsuits, against the board and/or any of its employees would be dealt with by the insurance company (or equivalent agency), providing the coverage required by this section of the act and the regulations developed pursuant to it.

Supervision

Substitute teachers are often expected to fulfill supervisory functions as part of their assignment. Substitute teachers should be certain that a system of supervision is established in the classroom or wherever an activity takes place to ensure that the instructions given to the pupils are obeyed. There is no expectation of having one supervisor for each pupil except in extremely dangerous activities. Teachers' own experiences will normally give them a good idea of what level of supervision is required to ensure an adequate degree of safety.

The extent of supervision required depends upon the age, mental ability and emotional stability of the students being supervised. If there is a lack of supervision, it would have to be shown that the failure to supervise caused or contributed to the injury. Negligence will be determined by a judgment of what was reasonable in a particular set of circumstances. In any event, if the teacher is performing assigned duties, the school board's liability insurance will provide the necessary protection in the event of a lawsuit, to the extent of the limits provided in the policy. Teachers providing service in high-risk situations should check the adequacy of coverage.

The substitute teacher might supervise students on a field trip. In this case, substitute teachers should check with the principal to be certain that the activity is school sponsored, in which case the school board's liability insurance will cover normal liabilities. A number of schools require parents to sign a permission slip, which serves as a useful communication device but does not eliminate the possibility of liability arising out of untoward events occurring during the field trip. A permission slip does not give the teacher the right to commit a negligent act. Students must be instructed in advance on all aspects of safety during the field trip and all foreseeable dangers should be brought to the students' attention.

It is important that the substitute teacher review both school and school board policies as they relate to field trips. Because a substitute teacher works in many different schools and sometimes in more than one jurisdiction, these policies may vary; therefore, it would be dangerous to make assumptions about what is an appropriate or accepted procedure. Substitute teachers must review all school policies and procedures before taking students on a field trip.

Student Discipline

One of the first steps taken by a substitute teacher when going to work in a new situation should be to become familiar with the discipline policy of the school and the school board.

Even though section 43 of the Canadian *Criminal Code* permits the use of reasonable force by teachers on students under their care, many school boards have banned the use of corporal punishment.

43. Every school teacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

Teachers must use approved procedures when disciplining students under their care.

All teachers should be aware of section 31 of the *Education Act*, which outlines the student responsibilities, and section 36(1), which provides legislative support for appropriate discipline policies and procedures related to section 31.

Assaults

Common Assault

There has been an enormous increase in the number of teachers accused of assault, both common and sexual, in recent years. The common assault allegations generally result from disciplinary action taken by a teacher. Section 43 of the *Criminal Code* notwithstanding, it is becoming more and more unacceptable for teachers to use force in disciplining students. Recent court decisions would indicate that corporal punishment may well become a thing of the past. In order for an action to constitute common assault, three elements must be satisfied: (a) lack of consent by the victim, (b) intent and (c) an application of force to the victim (or the threat of force that the victim believes will be carried out).

Sexual Assault

Sexual assault is defined as conduct that includes all of the elements of common assault plus one additional element: the assault is committed in circumstances of a sexual nature, such that the sexual integrity of the victim is violated and/or the accused gained some sexual gratification from the act. The sexual nature of the assault must be detectable by an objective standard. It is not necessary that contact be made with the victim's sexual organs or that the assaulting party's sexual organs be involved. Even a pat on the behind can be a sexual assault if it is done to obtain sexual gratification or to violate the sexual integrity of the victim.

These offences are very broadly defined. It is easy to see how false allegations could be made in a wide variety of innocent student-teacher interactions. However, innocence may not save one from accusations, or even conviction.

Advice

What can teachers do to avoid these sorts of problems? Obviously, they should studiously avoid behaviour that would give rise to legitimate charges.

Many authorities, particularly those who deal with cases of this nature on a frequent basis, suggest that teachers should refrain from all physical contact with students. This runs counter to the beliefs of many teachers and to some educational theorists who believe that hugs and pats are important, positive acts. Each individual teacher will have to decide what is the best course of action. However, consistent behaviour with all students is good advice.

Here are some other prudent and useful tips:

1. Be completely familiar with the school board's and the school's policies with respect to corporal punishment, and if you decide to use corporal punishment at all, do so in strict compliance with those policies.
2. Document your discipline of students and any accidents that occur while you are on supervision. Such documentation should be retained in your permanent personal files; there have been many cases of accusations being made years later.

3. Avoid being alone with students, particularly those in the early years of puberty. If you must be alone with a student, ensure that the door is open, that the window blinds or drapes are open and that the time is kept to a minimum. Let someone else know where you are and who you are with.
4. Unless you have special training or an assignment in counselling, avoid counselling students who display signs of sexual, emotional or mental instability. At the very least, consult regularly with the teacher counsellor in the school or with someone else with expertise in this area and keep a record of such consultations.

If Accused

The primary rule in dealing with allegations of assault or sexual assault is *remain silent*. You have the right to do this under the Canadian Charter of Rights and Freedoms. This right is the best available protection. Do not waive this right until after you have seen a lawyer. You are required to identify yourself (name, address and birthdate) to the police. Beyond that, you should not volunteer any information or respond to any questions until you have sought and received legal advice.

As a teacher, you have access to legal advice on matters relating to your work. Contact the Association as soon as possible. In the meantime avoid discussing the situation with anyone else (other than your legal spouse). Discussing it with others may put them in the position of being called to testify against you.

Do not panic. While this may be a terrible experience, staying calm, listening to advice and taking the situation one step at a time will, at least, avoid making it worse.

Assaults Against a Teacher

An area of growing concern is the increased number of assaults on teachers. These assaults are most often perpetrated by students, but teachers have also been assaulted by parents, former students or others. The significance of these assaults must not be minimized, and teachers are advised to report all assaults and ensure that charges are brought against those responsible. The Association will advise and assist members who have been the victims of assault while performing their professional duties.

Professional Liability

As professionals, teachers are held to a higher standard of conduct than the general public. All teacher members of the Association are obliged to maintain professional conduct and to assist the Association in its duty to provide protection to the public and to the profession. The Code of Professional Conduct provides general guidelines for teachers to follow, but the scope of professional-conduct expectations goes far beyond the code. Teachers should be familiar with the code and with the responsibilities placed on them by the *Teaching Profession Act*. These responsibilities are contained in Appendix B and Appendix D. Substitute teachers should become familiar with these responsibilities and govern themselves accordingly. Note that adhering to the provisions of the Code of Professional Conduct is a 24-hour-a-day responsibility. Even when acting as a parent or a community member, all teachers must respect the standards of the profession. These provisions also apply to other teachers in their relationships with substitute teachers. The *Members' Handbook* and the publication *Teachers' Rights, Responsibilities and Legal Liabilities* include details about the steps to be taken if a teacher believes that another teacher has been guilty of unprofessional conduct. However, before taking any action, consult with the Association.

E-Liability

Teachers are expected to model ethical and appropriate conduct in their use of school computers, laptops, Internet connections and cellphones. This expectation extends to use of their own computers when posting on social networking sites.

Teachers are in a position of trust with students and can be held accountable if their actions expose students to inappropriate material or communications. The following cybertips for teachers should be kept in mind at all times.

Be Prudent

At work, do

1. maintain exemplary professional standards when sending e-mail messages to students, parents, colleagues and administrators;
2. always keep a copy of your e-mail messages; and
3. use a signature that includes your name, assignment title and school name.

At work, don't

1. share your password with other colleagues or students or
2. leave your computer on and unattended when students are around.

At home, don't

1. use your home/personal computer to contact students or parents;
2. permit images of yourself to be taken and posted on any site without appropriate privacy safeguards;
3. post criticism of colleagues, students or administrators on social networking sites; or
4. share confidential information about students, colleagues or administrators on social networking sites.

Be Prepared

If you find yourself the target of cyberbullying, take the following steps:

1. Make copies of all questionable messages/web postings/information and other related materials and data, including the URL.
2. Demand that the sender stop transmitting or posting the material and state that the conduct is inappropriate and unacceptable.
3. Avoid engaging with the person who is targeting you, because this may escalate the situation.
4. Advise your school administration of the inappropriate communication if the situation requires immediate action and/or if the communication continues.
5. Access appropriate support/guidance through the school district's cyberconduct policy or manual.
6. If the person who is cyberbullying you is a student, contact the student's parents.
7. Inform and involve your school-based occupational health and safety committee.
8. Contact your ATA local if the actions taken to address the inappropriate communication are ineffective and/or if you need further support/advice.

Remember

Nothing is truly private when you use digital communication. When you are using board equipment and communication links, the board can access all your messages and online sites visited if any of the communication went through board servers or was accessed using board equipment.

These forms of cyberbullying are considered criminal acts:

1. Communicating repeatedly with someone if the communication causes someone to fear for their own or others' safety
2. Publishing a defamatory libel—something that is designed to insult a person or likely to hurt a person's reputation by exposing him or her to hatred, contempt or ridicule

Spreading hate or discrimination based on race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation may be a violation of the *Canadian Human Rights Act* and/or provincial/territorial human rights legislation.

If there is a question as to whether the inappropriate communication is criminal, call the police. It may also be necessary to involve internet service providers (ISPs) and mobile telecommunications service providers in addressing the inappropriate communication to the point of deleting the offending material from temporary/permanent sites and archives.

Know Your Rights and Your Responsibilities

These activities can result in disciplinary action against a teacher:

1. Visiting inappropriate websites, eg, adult content, racist, pornographic
2. Sending or forwarding offensive jokes and pictures via e-mail
3. Online gambling using school district equipment
4. Downloading audio, video or text-based materials in violation of copyright laws
5. Using board/employer equipment to engage in activities relating to a second occupation
6. Constant text messaging, instant messaging and/or e-mailing during school time
7. Posting pictures of yourself and sharing them over the Internet, especially if they are suggestive or inappropriate.

(Editor's note: The material in this section on e-liability is adapted from the Canadian Teachers' Federation; more information is available at www.ctf-fce.ca.)

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Substitute Teachers: Definition of Roles

Duties of a Teacher

By defining the role of teachers in section 196 of the *Education Act*, the provincial legislature has provided a general summary of the duties of a teacher as they relate to providing instruction or supervision.

- 196(1) A teacher while providing instruction or supervision must
- (a) provide instruction competently to students;
 - (b) teach the courses of study and education programs that are prescribed, approved or authorized pursuant to this Act;
 - (c) promote goals and standards applicable to the provision of education adopted or approved pursuant to this Act;
 - (d) encourage and foster learning in students;
 - (e) regularly assess students and periodically report the results of the assessment to the students, the students' parents and the board;
 - (f) maintain, under the direction of the principal, order and discipline among the students while they are in the school or on the school grounds and while they are attending or participating in activities sponsored or approved by the board;
 - (g) subject to any applicable collective agreement and the teacher's contract of employment, carry out the duties that are assigned to the teacher by the principal or the board.
- (2) At any time during the period of time that a teacher is under an obligation to the board to provide instruction or supervision or to carry out duties assigned to the teacher by a principal or the board, a teacher must, at the request of the board,
- (a) participate in curriculum development and field testing of new curriculum;
 - (b) develop, field test and mark provincial assessments, and
 - (c) supervise student teachers.

School board and school policy will provide additional information on the expectations placed upon teachers in a specific jurisdiction.

Duties of a Substitute Teacher

Substitute teachers are key team members of every school and school division staff. They have the same certification requirements as other teachers and are full active members of the Alberta Teachers' Association from their first day of service. They have the same roles and responsibilities as any other classroom

teacher as defined by the *Education Act* and the *Teaching Profession Act*. The only difference is that they are day-to-day employees who do not have regular teacher contracts.

Substitute teachers may teach in many schools and in more than one jurisdiction; therefore, they will have to become knowledgeable about the appropriate policies in a variety of situations. The school administration will be able to provide copies of the relevant school and school board policies. Ideally, these policies will be available in a school handbook for substitute teachers, prepared and updated at the school level.

Substitute teachers should be given the same respect and consideration as any other colleague. Generally speaking, substitute teachers should follow the same timetable as the absent teacher. This allows them to adequately prepare for classes, mark assignments, become familiar with the routines and expectations of the school and write notes for the absent teacher.

The expectation that substitute teachers follow the schedule of the absent teacher is codified in at least one collective agreement in Alberta as follows:

A substitute teacher shall normally follow the schedule of the teacher who is absent from duties. Any alteration to the regular schedule will be explained to the substitute by school administration upon request and must comply to adjustments which might normally occur if the absent teacher was in attendance.

However, such a clause should not be required to ensure substitute teachers receive the professional courtesy they should expect from their colleagues.

Like most teachers, substitute teachers are often willing to volunteer to provide support and assistance beyond the schedule of the absent teacher if they have completed their other professional obligations.

Substitute teachers should only be assigned supervision duties that are reasonable and appropriate. Some school divisions have policies that stipulate substitute teachers are not to be assigned supervision duties in the first half day of a teaching assignment or other duties beyond those normally assigned to the teacher being replaced.

Careful thought should be given to the duty of care whenever substitute teachers are assigned supervision. Has the substitute teacher been adequately informed about

1. the school rules and procedures,
2. discipline policy and procedures,
3. safety procedures and emergency contacts,

4. inherent risks in the school or on the playground,
5. special needs students, and
6. any other potential risks?

Principals should give all substitute teachers the information they need to supervise effectively and give them sufficient time to become familiar with the procedures.

Simply having a substitute teacher present without adequate preparation could put students, the teacher, the school and the school division at risk. Some school divisions have, for example, put policies in place that stipulate that field trips must be cancelled if the teacher(s) in charge is replaced by a substitute teacher.

Substitute teachers are entitled to at least one half-hour break during the day.

If these simple guidelines regarding professional courtesy and respect are followed, substitute teachers can make a professional contribution to the school that will benefit everyone. They will indeed feel like key team members.

Duties of the Principal

Section 197 of the *Education Act* defines the duties of the principal of the school.

197 A principal of a school must

- (a) provide instructional leadership in the school;
 - (a.1) provide a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging;
- (b) ensure that the instruction provided by the teachers employed in the school is consistent with the courses and programs of study prescribed, approved or authorized pursuant to this Act;
- (c) evaluate or provide for the evaluation of programs offered in the school;
- (d) ensure that students in the school have the opportunity to meet the standards of education set by the Minister;
- (e) direct the management of the school;
- (f) maintain order and discipline in the school and on the school grounds and during activities sponsored or approved by the board;
- (g) promote cooperation between the school and the community that it serves;
- (h) supervise the evaluation and advancement of students;
- (i) evaluate the teachers employed in the school; and
- (j) subject to any applicable collective agreement and the principal's contract of employment, carry out those duties that are assigned to the principal by the board in accordance with the regulations and the requirements of the school council and the board.

Performance Evaluation

Section 197(i) assigns to the principal the duty to evaluate the teachers employed in the school, including substitute teachers. Some school boards have developed policies and procedures related to the performance evaluation of substitute teachers; however, most have not. Since the majority of substitute teachers want to obtain contract teaching status, having written performance evaluations to enhance a resume and job application is important. Substitute teachers are encouraged to invite appropriate supervisory personnel to observe and evaluate their professional performance. They should do this when they have the opportunity to substitute teach in the same teaching position for a number of consecutive days—when lesson planning, presentation and follow-up are essentially those of the substitute teacher and provide a more realistic situation for the evaluator and the teacher. Teachers who are willing to receive feedback on their professional performance and who respond positively to constructive suggestions are often viewed favourably as applicants for contract positions.

Substitute teachers may wish to develop a professional portfolio to enhance the evaluation process, as well as document professional growth plans and provide evidence of successful teaching practice in relation to the Teaching Quality Standard. This may include a letter of support from a school administrator including comments on the teacher's strengths and abilities as they relate to the Teaching Quality Standard. Substitute teachers can also enhance their opportunities for employment by regularly updating their personnel files with their most recent teaching experience, professional development undertaken, and any pertinent detail related to teaching assignments held.

Under the present Alberta Education Policy, Teacher Growth, Supervision and Evaluation, teachers moving from an interim professional certificate to a permanent professional certificate do so upon the recommendation of an authorized person supported by the findings of two or more evaluations of the teacher. This is true for substitute teachers, as well as for teachers under contract. Although lack of an evaluation of teaching does not prevent a substitute teacher from applying for contract positions, an evaluation can enhance an application for contract employment.

Student Responsibilities

Section 31 of the *Education Act* also provides a code of conduct for students, which provides a legislative base for school attendance and behaviour policies. The contents of this section are often valuable when dealing with parents and/or students. The code defines reasonable expectations regarding the conduct of students.

31 A student, as a partner in education, has the responsibility to

- (a) attend school regularly and punctually,
- (b) be ready to learn and actively engage in and diligently pursue the student's education,
- (c) ensure that the student's conduct contributes to a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging,
- (d) respect the rights of others in the school,
- (e) refrain from, report and not tolerate bullying or bullying behaviour directed toward others in the school, whether or not it occurs within the school building, during the school day or by electronic means,
- (f) comply with the rules of the school and the policies of the board,
- (g) cooperate with everyone authorized by the board to provide education programs and other services;
- (h) be accountable to the student's teachers and other school staff for the student's conduct, and
- (i) positively contribute to the student's school and community.

Superintendent _____

The superintendent of schools is the chief executive officer of the school board. Often, jurisdictions employ more than one central office administrator, and duties are allocated to these people by the board. Substitute teachers are advised to become familiar with the jurisdiction's policies regarding staff recruitment, selection, hiring and deployment. This is particularly important for substitute teachers wishing to be considered for contract teaching positions.

6

Substitute Teachers: Specific Association Services

Chapter 2 of this monograph outlined the direct and indirect services available to substitute teachers as members of the Alberta Teachers' Association. Provincial Executive Council has taken additional steps to ensure that the unique concerns and needs of substitute teachers are recognized.

Committee

In 1987, the Substitute Teachers Committee became a standing committee of the Association to serve in an advisory capacity to Provincial Executive Council. This committee has played an important role at the provincial level on behalf of this significant group of members. Membership on this committee is detailed annually in the *Members' Handbook*. The secretary to this committee is an executive staff officer who works directly with substitute teachers and substitute teacher groups.

Presentations

Various presentations for substitute teacher groups are available through Barnett House. These presentations include information on liability, employment insurance and the rights and responsibilities of teachers. Other presentations can be tailored to meet the professional development needs of substitute teachers.

Conference

The Substitute Teachers Committee organizes an annual provincial conference for substitute teachers. A variety of sessions are included and the program attempts to balance the skill-development, information-exchange, inspirational and social aspects so that all delegates can participate in a worthwhile professional development experience. The conference is subsidized by the Association and registration costs are kept to a minimum. The Association also provides a travel allowance to the first 150 registrants for the conference. In addition, many locals and some jurisdictions contribute funds to facilitate the attendance of some of their substitute teachers at this conference.

Monograph

This monograph is published as a resource for substitute teacher members. The information contained in this monograph is important and the committee believes it has relevance to all members of the profession.

Research

Substitute Teachers in Alberta: A Research Report An ATA Research Update: October 2011

This document analyzes the results of a 2010 online survey of teachers undertaken by the Association with research assistance from the University of Alberta. The study identifies and discusses the challenges and rewards of substitute teaching, and seeks to instill a deeper appreciation in stakeholders of the vital role played by substitute teachers in Alberta's educational system. This document is free to members and available online on the Association's website.

Substitute Teaching in Alberta: Voices from the Field ATA Research: June 2021

The Alberta Teachers' Association worked with the University of Alberta to conduct a mixed-methods study consisting of three focus groups and an online survey to gather insight into the lived experiences of substitute teachers in Alberta. The findings of the study provide insight into the lives of substitute teachers, their extraordinary ability to adapt to changing work assignments, and guidance about how the professional lives of substitute teachers can be enhanced and supported. This document is free to members and available online on the Association's website.

Appendix A: Substitute Teachers: Selected Bibliography

The Alberta Teachers' Association Library is your first stop for information resources about professional development. Our library collection has materials in French and English. Our collection includes books, education reports, periodicals, streaming videos, eBooks, and maker technology. We loan all materials for 4 weeks and are happy to mail them out to your home. We prepay the return postage so there is no cost for using our library resources. We also offer you research services – send us a question about teaching and we are happy to research it and get back to you within three business days.

By logging into our library home page (<http://library.teachers.ab.ca>), you gain access to our eBooks collection, our article databases, and our streaming video service. If you need help logging in or have a question about our library or our services, please call 1-800-232-7208 (780-447-9400 in Edmonton) or by e-mailing library@ata.ab.ca. Our friendly library staff are always happy to assist you!

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Appendix B:

Code of Professional Conduct

The Code of Professional Conduct stipulates minimum standards of professional conduct of teachers but is not an exhaustive list of such standards. Unless exempted by legislation, any member of The Alberta Teachers' Association who is alleged to have violated the standards of the profession, including the provisions of the Code, may be subject to a charge of unprofessional conduct under the bylaws of the Association.

In relation to pupils

1 The teacher teaches in a manner that respects the dignity and rights of all persons without prejudice as to race, religious beliefs, colour, gender, sexual orientation, gender identity, gender expression, physical characteristics, disability, marital status, family status, age, ancestry, place of origin, place of residence, socioeconomic background or linguistic background.

2 (1) The teacher is responsible for diagnosing educational needs, prescribing and implementing instructional programs and evaluating progress of pupils.

(2) The teacher may not delegate these responsibilities to any person who is not a teacher.

3 The teacher may delegate specific and limited aspects of instructional activity to noncertificated personnel, provided that the teacher supervises and directs such activity.

4 The teacher treats pupils with dignity and respect and is considerate of their circumstances.

5 The teacher may not divulge information about a pupil received in confidence or in the course of professional duties except as required by law or where, in the judgment of the teacher, to do so is in the best interest of the pupil.

6 The teacher may not accept pay for tutoring a pupil in any subjects in which the teacher is responsible for giving classroom instruction to that pupil.

7 The teacher may not take advantage of a professional position to profit from the sale of goods or services to or for pupils in the teacher's charge.

In relation to school authorities

8 The teacher protests the assignment of duties for which the teacher is not qualified or conditions which make it difficult to render professional service.

9 The teacher fulfills contractual obligations to the employer until released by mutual consent or according to law.

10 The teacher provides as much notice as possible of a decision to terminate employment.

11 The teacher adheres to agreements negotiated on the teacher's behalf by the Association.

In relation to colleagues

12 The teacher does not undermine the confidence of pupils in other teachers.

13 The teacher criticizes the professional competence or professional reputation of another teacher only in confidence to proper officials and after the other teacher has been informed of the criticism, subject only to section 24 of the Teaching Profession Act.

14 The teacher, when making a report on the professional performance of another teacher, does so in good faith and, prior to submitting the report, provides the teacher with a copy of the report, subject only to section 24 of the Teaching Profession Act.

15 The teacher does not take, because of animosity or for personal advantage, any steps to secure the dismissal of another teacher.

16 The teacher recognizes the duty to protest through proper channels administrative policies and practices which the teacher cannot in conscience accept; and further recognizes that if administration by consent fails, the administrator must adopt a position of authority.

17 The teacher as an administrator provides opportunities for staff members to express their opinions and to bring forth suggestions regarding the administration of the school.

In relation to the profession

18 The teacher acts in a manner which maintains the honour and dignity of the profession.

19 The teacher does not engage in activities which adversely affect the quality of the teacher's professional service.

20 The teacher submits to the Association disputes arising from professional relationships with other teachers which cannot be resolved by personal discussion.

21 The teacher makes representations on behalf of the Association or members thereof only when authorized to do so.

22 The teacher accepts that service to the Association is a professional responsibility.

Approved by the 2018 Annual Representative Assembly pursuant to the Teaching Profession Act.

Please note:

- Items 13 and 14 of the Code of Professional Conduct do not pertain to reporting to the Association on the possible unprofessional conduct of another member.
- The *Teaching Profession Act*, section 24(3), requires members to report forthwith to the executive secretary on the unprofessional conduct of another member.

Appendix C:

Declaration of Rights and Responsibilities for Teachers

This Declaration forms part of the Constitution of The Alberta Teachers' Association.

The general purpose of education is the full development of the potential of each individual. Society, of which teachers are a part, establishes the goals of education and the organizational framework within which formal education occurs.

In its broadest sense, teaching is a process which facilitates learning. Formal teaching activities are based on the specialized application of the learning process adapted to meet the educational needs of the learner.

A teacher has professional knowledge and skill gained through formal preparation and experience. A teacher provides personal caring service to pupils by diagnosing their needs and by planning, selecting and using methods and evaluation procedures designed to promote learning.

In Alberta, a teacher is a member of The Alberta Teachers' Association and recognizes that membership in The Alberta Teachers' Association and support of it through the provision of fees is beneficial to the cause of education and the teaching profession in Alberta.

The Alberta Teachers' Association holds that teachers are entitled to the following rights and must accept the corresponding responsibilities.

- 1 Teachers have the right to base diagnosis, planning, methodology and evaluation on professional knowledge and skills, and have the responsibility to review constantly their own level of competence and effectiveness and to seek necessary improvements as part of a continuing process of professional development.
- 2 Teachers have the right to expect standards of pupil behaviour necessary for maintaining an optimal learning environment and have the responsibility to use reasonable methods to achieve such standards.
- 3 Teachers have the right to a voice in all decisions of a professional nature which affect them and have the responsibility to seek the most effective means of consultation and of collaboration with their professional colleagues.
- 4 Teachers have the right to criticize educational programs and have the responsibility to do so in a professional manner.
- 5 Teachers have the right to work in surroundings that are sanitary, healthful and conducive to teaching and learning, and have the responsibility to assess conditions

encountered and to seek improvement of unacceptable conditions.

6 Teachers have the right to a reasonable allotment of resources, materials and services of support staff and have the responsibility to use them in an efficient manner.

7 Teachers have the right to fair and reasonable evaluation of professional performance and have the responsibility to give sincere consideration to any suggestions for improvement.

8 Teachers have the right to protest and in extreme cases to refuse the assignment of teaching duties when they believe their qualifications and experience will not provide adequate service and safety to pupils and have the responsibility to consider any special circumstances under which the duties were assigned.

9 Teachers have the right to be protected against discrimination on the basis of prejudice as to race, religious beliefs, colour, gender, sexual orientation, gender identity, gender expression, physical characteristics, disability, marital status, family status, age, ancestry, place of origin, place of residence, socioeconomic background or linguistic background and have the responsibility to refrain from practising these forms of discrimination in their professional duties.

10 Teachers, collectively and collegially, have the right to:

- a) be members of the organization representing their professional, economic and contractual concerns,
- b) serve the organization and be represented by it,
- c) adhere to and to expect other members to adhere to the organization's code of professional conduct,
- d) have a voice in determining criteria and procedures for the evaluation of professional performance of teachers,
- e) be protected under provisions outlined in contracts of employment with the employer,
- f) bargain for salaries and working conditions which include fair and equitable grievance procedures,
- g) receive an adequate income while teaching and upon retirement,

and have the responsibility to support actively their professional organization in its objectives to regulate relations between teachers and their employers and to improve the quality of education, the status of teachers and the status of the teaching profession.

Appendix D: *Teaching Profession Act* Definition of Unprofessional Conduct

- 23(1) Any conduct of a member that, in the opinion of a hearing committee,
- (a) is detrimental to the best interests of
 - (i) students as defined in the *Education Act*,
 - (ii) the public, or
 - (iii) the teaching profession,
 - (b) contravenes sections 16 to 65 or a by-law made under section 8(f) or (g), or
 - (c) harms or tends to harm the standing of teachers generally,
- whether or not that conduct is disgraceful or dishonourable, may be found by a hearing committee to constitute unprofessional conduct.
- (2) If a member has been convicted of an indictable offence,
- (a) the conduct of the member on which the conviction is based is deemed to constitute unprofessional conduct, and
 - (b) the member shall forthwith inform the association of the conviction.

Appendix E:

Preparing for a Substitute Teacher in Your School—Information for Administrators

The Alberta Teachers' Association's Substitute Teachers Committee developed the following outline for Substitute Teacher Handbooks to assist school administrators in creating handbooks for their schools. The committee encourages administrators to use this outline to assist in ensuring that substitute teachers assigned to their schools receive the critical information they need to successfully complete their assignments. It is recognized that additional information may be required.

The committee encourages schools to keep copies of the handbook available in the school office for distribution to all substitute teachers assigned to the school.

Outline of required information to be completed by administrators

1. **Bell Schedule**
2. **Contact Information**

Position	Name	Contact Number
Administration		
Office Staff		
Head Custodian		
Technology		

3. **Dialing Outside Telephone Numbers**
 - a) Provide code
 - b) Provide other necessary information, if any
4. **Map(s) of School**
5. **Substitute Teacher Logins and Passwords for School Technology** (if applicable to school)
6. **Attendance Logins** (if applicable to school)
7. **Printers/Photocopiers** (if applicable to the entire school)
 - a) Provide locations
 - b) Provide applicable codes

8. **Emergency—Lockdown**
 - a) Provide codes
 - b) Provide procedures
 - c) Muster point(s)
9. **Medical Alerts—Schoolwide**
 - a) Provide location of information
10. **School Discipline Policy and Procedures**
 - a) Provide key points of policy and procedures
 - b) Dress code
11. **Supervision**
 - a) Provide schedule (optional)
 - b) Provide key points of policy and procedures
12. **Key Procedures**
 - a) Pick up and drop off (if applicable)
 - b) Washroom key
13. **Instructions for End of Day**

REMEMBER

When you prepare notes for someone else, clarity and precision are important.

Appendix F

Preparing for a Substitute Teacher in Your Classroom—Information for Teachers

The Alberta Teachers' Association's Substitute Teachers Committee developed the following outline to assist teachers in preparing information for substitute teachers assigned to their classroom. The committee encourages the use of this information to help teachers ensure that substitute teachers assigned to their schools receive the critical information they need to successfully complete their assignments. It is recognized that additional information may be required.

Outline of required information to be completed by teachers

1. **Timetables** (include bell times, period changes, dismissal time, aide time)
 - a) Teacher/students
2. **Room Location(s)**
 - a) Provide room numbers
 - b) Provide times
3. **Printers/Photocopiers** (if applicable)
 - a) Provide locations
 - b) Provide applicable school codes
4. **Supervision**
 - a) Provide your schedule
5. **Lesson Plans**
6. **Class Lists**
 - a) Provide extra copies
7. **Seating Plans**
8. **Name of (if applicable)**
 - a) Teaching assistant
 - b) Volunteers expected
 - c) Team member(s)
 - d) Job share partner
 - e) Practicum student
 - f) Classroom helpers

9. Students Requiring Special Consideration

a) Medical Alerts

Student	
Fragility	
Contact name and number	
Backup contact name and number	

b) Special Discipline

Student	
Fragility	
Contact name and number	
Backup contact name and number	

c) Coded Students, IPPs and EPPs

Student	
Fragility	
Contact name and number	
Backup contact name and number	

d) Other

Student	
Fragility	
Contact name and number	
Backup contact name and number	

10. Routines

- a) Opening the day
- b) Attendance (codes/logins, if applicable)
- c) Announcements
- d) Agendas/journals/link books
- e) Classroom incentive program
- f) Privileges (things to consider)
 - (1) Technology use
 - (2) Bathroom breaks
 - (3) Lockers
 - (4) Pencil sharpening
 - (5) Gum chewing
 - (6) Hat policy
 - (7) Beverages/snacks
 - (8) Study hall/lunchroom
 - (9) Dress code
 - (10) Other

11. Feedback to Classroom Teacher

12. Substitute Teacher Contact Information

Appendix G: Checklist of Self-Evaluation Criteria for Substitute Teachers

Self-evaluation is the process whereby teachers examine their teaching in terms of effective behaviours, attitudes and feelings. The express purpose of this process is professional growth. It is viewed by teachers as the most effective method of examining one’s teaching. This process may be used to initiate the teacher’s development of professional growth plans.

	Excellent	Satisfactory	Unsatisfactory	Not Applicable
As a substitute teacher, the extent to which I				
1. daily check in and out of the school’s main office is	_____	_____	_____	_____
2. introduce myself to staff and students is	_____	_____	_____	_____
3. am prepared to start promptly on time is	_____	_____	_____	_____
4. become familiar with school operation is	_____	_____	_____	_____
5. am familiar with the school’s <i>Substitute Teacher’s Handbook</i> is	_____	_____	_____	_____
6. get to know key personnel is	_____	_____	_____	_____
7. am knowledgeable about current developments in curriculum and instruction is	_____	_____	_____	_____
8. closely follow the lesson plans prepared by the regular teachers is	_____	_____	_____	_____
9. maintain an atmosphere conducive to learning is	_____	_____	_____	_____
10. provide for and monitor necessary resources is	_____	_____	_____	_____
11. maintain normal classroom rules and procedures is	_____	_____	_____	_____
12. circulate among students as they work is	_____	_____	_____	_____
13. praise students appropriately is	_____	_____	_____	_____
14. consult with school administration about student illness or injury is	_____	_____	_____	_____
15. follow directions left by the classroom teacher regarding procedures for handling students with medical dependencies or other special needs is	_____	_____	_____	_____
16. instruct students regarding any dangers inherent in a given activity is	_____	_____	_____	_____
17. make use of the substitute teacher information kit provided by the classroom teacher is	_____	_____	_____	_____
18. mark extra work that I assign is	_____	_____	_____	_____
19. effectively carry out the supervisory duties of the classroom teacher is	_____	_____	_____	_____
20. leave a clear account of the day’s happenings for the classroom teacher, including problems and materials covered, is	_____	_____	_____	_____

Appendix H: Guide for Recommendations for Permanent Professional Certification of Substitute Teachers

1. Substitute teachers who possess an interim certificate should
 - a) remind their superintendent or signing officer (recommending officer) that they soon will be eligible for permanent certification and require an evaluation;
 - b) provide their superintendent or signing officer (recommending officer) with the necessary records of previous employment with other Alberta authorities;
 - c) collect appropriate artifacts of their teaching practice to demonstrate as much as possible that their practice meets the requirements of the Teaching Quality Standard Ministerial Order in respect to permanent certification; and
 - d) encourage their principal and/or superintendent or signing officer (recommending officer) to schedule direct observation of teaching practice.

2. The principal and/or superintendent or signing officer (recommending officer) should
 - a) ensure that the substitute teacher who shortly will be eligible for permanent certification is evaluated;
 - b) wherever possible, schedule direct observation of the substitute teacher's teaching practice;
 - c) review and assess artifacts provided by the substitute teacher for purposes of determining that the teacher's practice meets the requirements of the Teaching Quality Ministerial Order applicable to permanent certification;
 - d) comply with the requirements of the regulation and recommend that a permanent professional teaching certificate be issued or not be issued; and
 - e) where there is insufficient information at hand to make a judgment about permanent professional certification, recommend that a permanent professional certificate not be issued or recommend extension and reissuance of an interim certificate.

Appendix I: Information Guide for Local Substitute Teacher Representative or Chair of Local Substitute Teachers' Group

The following information is provided to Local Substitute Teacher Representatives and/or Substitute Teacher Chairs of Local Substitute Teachers' Groups to consider in the administration of their duties.

1. Alberta Teachers' Association (ATA)—www.teachers.ab.ca
 - a. Ensure you have an ATA account to access member-only areas
 - b. Barnett House: 1-800-232-7208
 - c. Southern Alberta Regional Office (SARO) at 1-800-332-1280 – Provincial Substitute Teachers Committee
2. ATA Substitute Teacher Resources online
 - a. Substitute Teacher Resources are available on the ATA's website www.teachers.ab.ca. Go to My ATA > Professional Resources > Substitute Teachers Resources
 - b. Monograph – Substitute Teachers: Professional Replacement – Integration into the School System click here or go to www.teachers.ab.ca. > News and Info > Publications > Teachers as Professionals > Substitute Teachers: Professional Replacements.
3. Contact the ATA to be added to the Provincial Local Substitute Teachers Group List
 - a. Southern Alberta Regional Office (SARO) tessaro@ata.ab.ca, 403-265-2672 or 1-800-332-1280.
4. Consider creating a Local ATA contact list:
 - a. Local Executive Committee members
 - b. Local Teacher Welfare Committee members
5. Consider creating a School District contact list:
 - a. Human Resources: manager or director, dispatch, payroll
 - b. Information Technology (IT) department
 - c. Professional Learning Coordinator or equivalent title
6. Topics to consider for Local Substitute Teachers group
 - a. How to start a local Substitute Teachers group (see section 2 of this monograph)
 - b. Frame of Reference (see section 2 of this monograph)
 - c. How to determine which local you belong to if you work in more than one local
 - d. Local financial considerations:
 - i. Organizing at least two general meetings - fall and spring
 - ii. Organizing Professional Development sessions
 - iii. Provision of members' mileage expenses to travel to meetings
 - iv. Facilitating attendance of some members at the Annual Substitute Teachers' Conference
 - e. Provide a forum to hear and address substitute teachers' concerns
 - f. Provide for communication between the local executive committee and the substitute teachers' group

7. Planning Professional Development sessions
 - a. Venue suggestions: school gym, school library, school district meeting rooms, local ATA office
 - i. Serve food - Consider catering and venues that your local ATA or school district currently use
 - b. Speakers
 - i. ATA sessions available online at My ATA > Professional Development > Workshops, Courses and Presentations
 - ii. Local district teachers: search for teachers willing to lead topics of interest to substitute teachers (examples could include classroom teachers, administrators, HR staff, Teachers' Convention presenters)
 - iii. Local community sources: businesses, YMCA, science centres, libraries, post secondary instructors
8. Creating and maintaining community
 - a. Create and maintain a relationship between local executive, substitute teacher group and school district personnel
 - i. Arrange for a meeting between your local ATA president, HR director/manager and the Chair of your Substitute Teacher Group, to maintain open communications to address issues specific to substitute teachers
 - ii. Assist in holding an annual fall orientation for substitute teachers
 - iii. Collect personal emails from substitute teachers for local use
 - iv. Request the school district to mass email substitute teachers, requesting they respond to you with personal email addresses
 - b. Create incentives for substitute teachers to share their personal email address with you
 - i. Facilitates registrations for professional development
 - ii. Facilitates emailed newsletters
 - iii. Facilitates draw entries at any local substitute teacher events
 - iv. Consider swag for every personal email account submitted
 - c. Create a Monthly or quarterly newsletter for substitute teachers
 - i. Digital version emailed out to those who submitted personal email addresses (never use school board email addresses). For those who do not share personal email address, the newsletters can be sent via HR's consent of mass emailing using their email network
 - ii. Post in staff rooms or near school sign-in binders
 - iii. Selected information can be publicly shared via the school board's media
 - iv. Limited information can be displayed on the message section of teachers' paystubs
 - v. Print newsletters on an eye catching color, consistently using that same background color for brand recognition. Use the same background color on your digital versions.
9. Benefits for Substitute Teachers
 - a. Contact your teacher welfare committee, Alberta School Employee Benefit Plan (www.asebp.ca) or your school district's provider for benefit plan information.

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