

PRACTICE REVIEW HEARING COMMITTEE

HEARING DECISION IN THE MATTER OF ALAN FIEBICH

**HEARING HELD ON OCTOBER 19, 2017
EDMONTON, ALBERTA**

The Practice Review Hearing Committee (Committee) established in accordance with section 7 of the *Practice Review of Teachers Regulation*, Alberta Regulation 11/2010 (*Regulation*), convened to hear a complaint about the alleged unskilled or incompetent teaching of Alan Fiebich (Teacher).

The following were Members of the Committee:

- [REDACTED]
- [REDACTED]
- [REDACTED]

The Hearing was held on Thursday, October 19, 2017 commencing at 9:33 a.m. at the 44 Capital Boulevard Building, 10044 108 Street, Edmonton, Alberta. Proceedings were formally recorded by [REDACTED], Court Reporter. The Teacher attended the hearing and was not represented by legal counsel.

In addition to the Committee and the Court Reporter, the following were present at the hearing:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

MANDATE OF THE COMMITTEE

To hear the evidence presented with respect to the complaint about the alleged unskilled or incompetent teaching of the Teacher; and, in accordance with section 23 of the *Regulation*, to determine if the teacher did not meet the requirements of the Teaching Quality Standard, as defined under section 1(q) of the *Regulation*. Based on the submissions and evidence presented at the hearing, the committee will make a reasoned decision, and will provide recommendations to the Minister, as per section 25(1)(a) of the *Regulation*:

25(1) If a practice review hearing committee

- (a) does not find that a teacher is unskilled or incompetent in teaching or does not find that the conduct of a teacher constitutes unprofessional conduct, the practice review hearing committee may recommend that the Minister dismiss the complaint, or

- (b) finds that a teacher is unskilled or incompetent in teaching or that the conduct of a teacher constitutes unprofessional conduct, the practice review hearing committee may recommend that the Minister do one or more of the following:
- (i) serve a letter of reprimand on the teacher who is the subject of the complaint;
 - (ii) suspend the certificate of the teacher who is the subject of the complaint, with or without conditions;
 - (iii) cancel the certificate of the teacher who is the subject of the complaint or cancel the certificate and issue a certificate of a different class, with or without conditions;
 - (iv) order that the teacher who is the subject of the complaint be ineligible for a certificate for a definite or indefinite period of time, with or without conditions.

PRELIMINARY MATTERS

The Chair made introductions of the Committee members, both parties to the hearing, and all those in attendance. There were no objections to the composition of the Committee from either the Teacher or the Associate Registrar.

The Chair confirmed dates of service of Notice of Hearing, and materials disclosed to both Teacher and Registrar. All dates verified and no objections from either party regarding the materials submitted for the hearing. Other than what was disclosed, there were no new materials brought forward for consideration by either party.

UNDISPUTED FACTS

All certificated teachers in the Province of Alberta must comply with the Teaching Quality Standards (TQS) in accordance with the *Regulation*.

The *Regulation* defines unskilled or incompetent teaching as failing to meet the requirements of the TQS.

The TQS includes descriptors of Knowledge, Skills and Attributes (KSAs) relating to Interim teacher certification, and all teachers who hold an Interim Professional Certificate (IPC) in the Province of Alberta must possess these KSAs and apply them appropriately in their teaching.

POSITIONS OF THE PARTIES

Associate Registrar:

- The Teacher neither complied with the TQS, nor met the KSAs while teaching at [School Redacted], from September 2014 to January 2015.
- Professional practice support was offered and available to the Teacher, but the teacher failed to implement changes and improve his teaching practice.
- The allegation of the Teacher's unskilled or incompetent teaching was supported by an investigation report and witness testimony.

- Requesting that the Committee find that the Teacher was incompetent in his teaching practice while employed at the [School Redacted], and that:
 - i. The Teacher's Permanent Professional Certificate (PPC) be cancelled and an IPC be issued.
 - ii. The IPC have conditions, requiring the Teacher to complete professional development in the areas of planning and student assessment.
 - iii. The Teacher be allowed up to three years to meet the conditions of the IPC.
 - iv. The Teacher be required to complete an additional two years of teaching with two full evaluations showing his ability to meet the TQS, before he can be recommended for a PPC again.

Teacher:

- Attempted to adhere to the KSAs and improve his skills, as supported by witness testimony.
- Faced challenges that impacted his teaching, such as: long working hours, long daily commute to and from work, trouble sleeping, stress, and the resulting strain on his [personal information].
- Acknowledged that dismissal from his teaching position at the [School Redacted] was the appropriate course of action by administration, but believed that due to his early dismissal from the position he did not have sufficient time to showcase his own learning and development.
- Connected with the students and encouraged their learning, and felt that he could be a good teacher in the future.
- Had a successful teaching experience in a previous teaching position at another school.
- Admitted that being an athletic director was not his forte and impacted his teaching, and that he could have used his extra time in the day more effectively.
- Acknowledged that, while he had support from the administration and staff at the [School Redacted], the expectations at the [School Redacted] were extremely high.
- Currently pursuing a different career and not teaching.
- Requested that the Committee leave the door open for him to re-enter the teaching profession in the future.

EVIDENCE CONSIDERED BY COMMITTEE

- A. Exhibit A – Registrar's materials binder titled: Registrar's Materials.
- B. Witness testimony
- C. Submissions by both Parties.

COMMITTEE'S ANALYSIS

In the opinion of the Committee, the investigative report fully substantiated the allegation of unskilled or incompetent teaching by the Teacher.

The Committee felt that the Teacher did not provide enough evidence to show that he attempted to adhere to the KSAs, or that he wanted to improve his teaching skills to meet the TQS.

The Teacher gave the Committee the impression that he has no will or care to improve his teaching ability.

The Committee neither found within the investigative report provided for the hearing, nor heard in the Teacher's own submission at the hearing an acknowledgment by the Teacher of his desire, ability, or commitment to providing quality learning experiences for his student through meeting the standard of the TQS.

Based on the Teacher's submission, the Committee heard that he had every intention of leaving the teaching profession.

The Committee was satisfied with the Witness's account of guidance and supports offered to the Teacher for the purpose of improving his teaching skills, and that the guidance was not followed and supports were not utilized adequately by the Teacher. Based on the testimony provided by the Witness and the submission provided by the Teacher, the Committee felt that the guidance and supports were ignored by the Teacher and his substandard teaching practices continued until he was dismissed from the position.

COMMITTEE'S DECISION AND RECOMMENDATIONS

After due deliberation and consideration of the evidence before it, and in accordance with section 23 of the *Regulation*, the Committee finds:

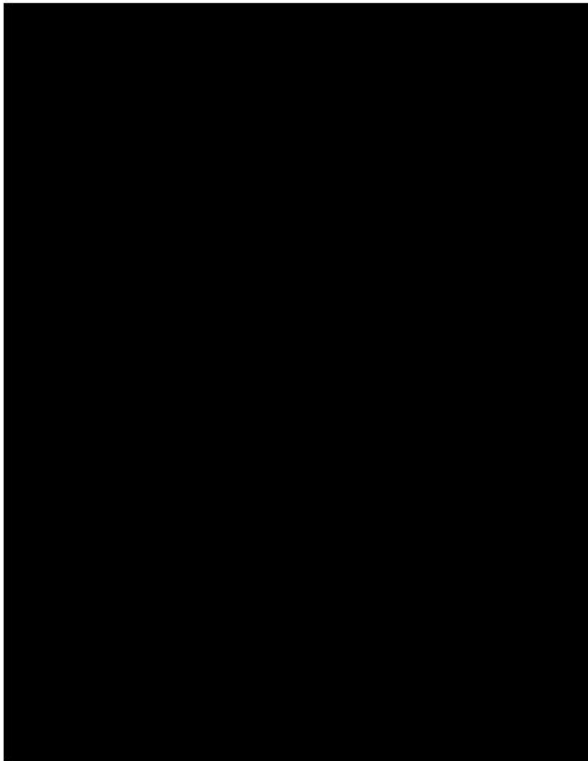
Mr. Alan Fiebich was incompetent in his teaching practice while employed at [School Redacted]

Given the clear evidence of incompetent teaching practice, it is the decision of the Committee that Mr. Fiebich must demonstrate a deep commitment to the teaching profession and a willingness to upgrade his professional skills prior to further teaching interactions in a classroom environment. To this end, the Committee does not believe that merely changing Mr. Fiebich's certificate from a PPC to an IPC will effectively address the Teacher's noncompliance to the minimum expected professional standards contained in the TQS.

Based on this finding, and in accordance with s. 25(1) of the *Regulation*, the Committee recommends the following to the Minister of Education:

1. Cancel Mr. Alan Fiebich's Permanent Professional Certificate.
2. Mr. Alan Fiebich be given the opportunity to get an Interim Professional Certificate based upon the following conditions:
 - a. Mr. Alan Fiebich submit to the Office of the Registrar a plan to complete professional development (PD) that will enable him to understand and meet the areas of the TQS.
 - i. The PD will include courses at the post-secondary level focused on instructional planning and student assessment.
 - b. Mr. Alan Fiebich will have up to six (6) months from the date of receipt of this decision to submit the PD plan to the Office of the Registrar for the Registrar's approval.

- c. Mr. Alan Fiebich will have up to three (3) years to complete the PD plan, as approved by the Registrar.
- d. If Mr. Alan Fiebich undertakes and successfully completes the approved PD plan, he may be issued an Interim Professional Certificate.
- e. If Mr. Alan Fiebich's Interim Professional Certificate is issued, then the following conditions will apply in order for the Permanent Professional Certificate to be re-issued:
 - i. Mr. Alan Fiebich will be required to teach fulltime for a minimum of two (2) years;
 - ii. Mr. Alan Fiebich will be required to show that he understands and meets the KSAs as described in the TQS.
 - iii. Mr. Alan Fiebich will be required to submit at minimum two (2) formal assessments of his teaching practice from each school year leading up to the re-issuance of his Permanent Professional Certificate.



November 30, 2017
Date

November 30, 2017
Date

November 30, 2017
Date