

Community Care and Assisted Living Appeal Board
Community Care and Assisted Living Act,
SBC 2002, c. 75

Appellant: SC

Respondent: Elizabeth Wagner, Executive Director,
Child Care Programs and Services,
Early Childhood Educator Registry

Panel: Susan E. Ross, Chair
Amy Collum, Member
Dianne Ledingham, Member

Decision

Introduction

[1] The appellant, SC, has appealed to the Community Care and Assisted Living Appeal Board (Board) from the decision of Elizabeth Wagner, then Executive Director, Child Care Programs and Services at the Early Childhood Educator Registry (ECE Registry), refusing to grant basic early childhood education program equivalency in British Columbia for the appellant's training in the United States at the San Francisco Bay Area Montessori Teacher Education Center (SFBAMTEC).

[2] The appeal is under s. 29(2)(d) of the *Community Care and Assisted Living Act*, SBC 2002, c. 75 (CCAL Act), which provides that an applicant for certification as an educator of children at a community care facility may appeal to the Board within 30 days of receiving notification of refusal to issue the certification. This appeal was conducted on the basis of written submissions, without an oral hearing, by agreement of the parties.

Facts

[3] On January 28, 2004, the ECE Registry received the appellant's application for certification as an early childhood educator. The applicant provided supporting documentation that included a letter of reference, confirmation of 500 hours relevant work experience in BC, and a Canadian Red Cross ChildSafe Course Certificate. The only issue in this appeal, however, is the equivalency in BC of the appellant's credential from the SFBAMTEC. In that regard, the appellant requested the International Credential Evaluation Service (ICES) to prepare an International Credential Evaluation Comprehensive Report concerning the American Montessori Society Associate Early Childhood Credential (2000) that was awarded to the appellant through her studies at the

SFBAMTEC. The ICES report, dated January 17, 2004, stated that the SFBAMTEC did not have accreditation from one of the six regional post-secondary education accrediting bodies in the United States and as a result the appellant's credential from the SFBAMTEC

would not normally be recognized or accepted for admission or transfer credit by recognized post-secondary institutions in Canada or the United States. Therefore, this credential is not considered generally comparable to the completion of one and one-half years of post-secondary study (one-year Certificate) from a recognized post-secondary institution in British Columbia or elsewhere in Canada.

[4] The ECE Registry also received a program confirmation form completed by SFBAMTEC on October 20, 2003. It indicated that on May 31, 2000, the appellant completed the SFBAMTEC Montessori Early Childhood program and in August 2000 she was issued an American Montessori Society Early Childhood Teacher Credential. The form indicated the total academic-instructional hours in the program (350), which it then broke down into the number of hours completed by the appellant in 13 content areas. The hours required in BC for each content area are printed on the form. The space for indicating hours completed was returned blank for seven content areas (suggesting zero hours had been completed by the appellant in that area). For four content areas, the indicated number of hours that had been completed by the appellant was significantly less than the number of hours required in BC. For two content areas, the hours that had been completed by the appellant exceeded the number required in BC.

[5] On May 20, 2004, the ECE Registry issued its decision refusing equivalency in BC for the appellant's SFBAMTEC credential. The decision stated:

Your International Credential Evaluation Report has been reviewed and it does not appear that you have completed training equivalent to an approved basic early childhood education program in British Columbia. The Montessori Teacher Education Center is not recognized by the Western Association of Schools and Colleges. Post-secondary accrediting bodies in the United States must be accredited by one of six regional post-secondary education accrediting bodies in order to have their degrees or programs recognized by other fully accredited post-secondary institutions. The Montessori Teacher Education Center, San Francisco Bay Area is not accredited by any of the six regional accrediting bodies for post-secondary education in the United States of America, and therefore, I am unable to accept your training as equivalent to the completion of an approved basic early childhood education program in British Columbia.

[6] The decision also suggested to the appellant that she might wish to consider a prior learning assessment because this would provide her with an opportunity to demonstrate that her skills, knowledge and abilities met the required competencies for early childhood educator certification in BC.

Statutory provisions

[7] On May 14, 2004, the CCAL Act came into force, repealing and replacing the *Community Care Facility Act*, RSBC 1996, c. 60, including s. 9(1) which had provided for

the issuance of a certificate “that a person has the training, experience and other qualifications required by the regulations to act as an early childhood educator...”. Another effect of the CCAL Act was that the appellate body under the *Community Care Facility Act*, called the Community Care Facility Appeal Board, became this Board. On May 14, 2004, s. 1 and Parts 1 and 2 of the *Child Care Licensing Regulation*, BC Reg, 319/89 were also repealed and replaced by B.C. Reg. 217/2004.

[8] The provisions in the statute and regulations respecting the issuance of early childhood educator certification did change between the date the appellant submitted her application for certification and the date of the ECE Registry’s decision to refuse the application. The changes do not affect the reason for the panel’s disposition of this appeal. The result would be the same on the earlier and the current wording of the provisions.

[9] The following provisions of the CCAL Act and the *Child Care Licensing Regulation* relevant to the credential equivalency issue in this appeal were in force as of May 20, 2004, when the ECE Registry issued its decision on the appellant’s application for early childhood educator certification:

CCAL Act

8(1) A certificate may be issued to a person in accordance with the regulations stating that the person has the qualifications required by the regulations for certification as an educator of children, or as an educator in the manner specified in the certificate respecting children, as a community care facility.

Child Care Licensing Regulation

9(1) The director of the early childhood educator registry may issue an early childhood educator certificate to an applicant who

- (a) has successfully completed a basic early childhood training program
 - (i) through an educational institution listed in item 1 of Schedule B, or
 - (ii) that is equivalent, in the opinion of the director of the early childhood educator registry, to a program offered by an educational institution described under subparagraph (i),
- (b) has completed 500 hours of work experience in Canada
 - (i) within 5 years after completion of a training program described in paragraph (a),
 - (ii) in not more than 2 community care facilities as defined in section 37, 42, 47, 52, 57, 71 or 76, and
 - (iii) under the direction of
 - (A) an educator, if the work experience is completed in the Province, or

(B) an individual acting in a position equivalent to an educator in a child care setting outside the Province, in any other case,

(c) is recommended by the person or persons under whose direction the work experience was completed and who can attest to the applicant's suitability to act as an educator, and

(d) is of good character.

(2) If an applicant has, in qualifying for another profession, completed a course that the director of the early childhood educator registry considers at least equivalent to a course forming part of a training program referred to in subsection (1)(a)(i), the director of the early childhood educator registry may exempt the applicant from the requirement to complete that course.

(3) For the purpose of subsection (1)(a)(ii), the director of the early childhood educator registry may refuse to issue a certificate to a person solely on the basis that the educational institution from which the person received training is not approved by a provincial, state, national or other government body.

[10] The following provisions in s. 29 of the CCAL Act describe the appellate role and authority of the Board:

29(11) The board must receive evidence and argument as if a proceeding before the board were a decision of first instance but the applicant bears the burden of proving that the decision under appeal was not justified.

(12) The board may confirm, reverse or vary a decision under appeal, or may send the matter back for reconsideration, with or without directions, to the person whose decision is under appeal.

Parties' Positions

[11] The appellant's notice of appeal summarized the merits of her appeal as follows:

...the credits we earned from our training program are transferable to the California State University, Hayward. And the San Francisco Bay Area Montessori Teacher Training Center is accredited by the Montessori Accreditation Council for Teacher Education (MACTE) and is affiliated with the American Montessori Society (AMS). The center is also registered with the Bureau of Private Postsecondary and Vocational Education (BPPVE) in the United States. In addition, many of my friends had gone through the same process as I did and had received their ECE certificates successfully. These are their names and certificate numbers [three individuals listed].

[12] The appellant also provided more information from the SFBAMTEC, which was summarized as follows in its cover letter addressed to the Registrar of this Board dated July 23, 2004:

The MTEC/SFBA is accredited by the Montessori Accreditation Commission on Teacher Education (MACTE). MACTE is recognized by the United States Department of Education. Attached is the certificate of accreditation.

The MTEC/SFBA is affiliated with the American Montessori Society. Attached is the affiliation certificate.

The Early Childhood Course is recognized by the University of California at Hayward Extended and Continuing Education as 47 quarter units. Attached is a letter of confirmation.

[13] The appellant's statement of points makes the same or similar points. She also submits that the ECE Registry's decision to refuse to recognize BC equivalency for the appellant's credential is a double standard because her three named friends, who received their Montessori training at a different US institution, have had that training recognized by the ECE Registry.

[14] The statement of points of the ECE Registry recounts how the appellant's credential from SFBAMTEC is not accredited by one of the six regional post-secondary education accrediting bodies in the US and that, even if credentials completed at a MACTE accredited program were recognized for equivalency in BC, the appellant did not complete the number of instructional hours necessary to meet the required competencies in BC.

[15] The ECE Registry observes that because the appellant has not met the academic requirement under s. 9(1)(a) of the *Child Care Licensing Regulation*, her 500 hours of work experience in Canada are not recognized because the work experience requirement in s. 9(1)(b)(i) of the *Child Care Licensing Regulation* relates to work experience *after* completion of training under s. 9(1)(a).

[16] The ECE Registry states that the three friends of the appellant referred to in her notice of appeal and statement of points received their credentials at a Montessori training institution that required applicants for admission to have two years post-secondary training prior to acceptance in the program and that the program they completed exceeded the number of instructional hours necessary to meet the required competencies in BC.

[17] Finally, the ECE Registry acknowledges that a review of the sufficiency of MACTE accreditation is underway by it:

The Early Childhood Educator Registry is in the process of reviewing whether accreditation through national accrediting associations meets similar standards to the regional accrediting bodies within the United States and other jurisdictions. This process includes evaluating the accreditation standards of the Montessori Accreditation Council for Teacher Education and the Association of Montessori International. This work is currently in progress. Should information be made available in the future that would

lead to a different outcome, [the appellant's] file, and others like it, will be reviewed.

[18] The appellant's reply submission reiterates or adds the following:

- that the ECE Registry recognized the training of the appellant's three friends from the Montessori Teacher Preparation of Washington institution even though, like the SFBAMTEC, it is not recognized by one of the six regional post-secondary education accrediting bodies in the US;
- the appellant questions the number of instructional hours required for the Montessori Teacher Preparation of Washington program;
- the appellant observes that the admission requirement for the SFBAMTEC program was a BA or BS degree or a high school or GED diploma, and that most schools that offer ECE programs in BC only require a high school diploma;
- credits are transferable from the SFBAMTEC program to California State University at Hayward, which is a recognized university in North America;

Analysis and Conclusion

[19] According to the ECE Registry, the examples of three friends of the appellant who also received Montessori training in the US at the Montessori Teacher Preparation of Washington institution, and were granted certification by the ECE Registry, are distinguishable because the program they completed had a higher admission standard (2 years of prior post-secondary training) and exceeded the necessary instructional hours to meet the required competencies in BC.

[20] The appellant contests the number of instructional hours involved in the Montessori Teacher Preparation of Washington program. She also questions the significance of the more rigorous admission requirement for the Washington program when, according to the appellant, most schools that offer ECE programs in BC only require a high school diploma. Furthermore, she considers it a double standard that the Washington program was recognized for equivalency in BC even though, like the SFBAMTEC program, it is not recognized by one of the six regional post-secondary education accrediting bodies in the US.

[21] The Panel cannot resolve, on the information before us, all of the facts concerning the program offered by the Montessori Teacher Preparation of Washington institution or why the training of several of its graduates was recognized as equivalent in BC by the ECE Registry, even though the Washington program is apparently not recognized by one of the six regional post-secondary education accrediting bodies in the US.

[22] It is apparent to the Panel, however, that this appeal cannot succeed, even if the MACTE accreditation of the SFBAMTEC program completed by the appellant was recognized for equivalency in BC, because the SFBAMTEC program completed by the appellant did not meet the necessary number of instructional hours for the required

competencies in BC. We therefore dismiss the appeal and confirm the decision of the ECE Registry.

[23] Our decision is without prejudice to any level of equivalency the ECE Registry may recognize for the appellant's SFBAMTEC credential in conjunction with the ECE Registry's review of the equivalency of MACTE accreditation. The Panel urges the ECE Registry to move forward to completion of that review.

[24] Our decision is also without prejudice to any level of equivalency the appellant may be granted through the prior learning assessment process that the ECE Registry has encouraged her to undertake.

December 22, 2004

Susan E. Ross, Chair

Amy Collum, Member

Dianne Ledingham, Member