

## COMMUNITY CARE AND ASSISTED LIVING APPEAL BOARD

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

**APPELLANT:** BR

**RESPONDENT:** Lenora Angel, Director,  
Early Childhood Educator Registry  
Ministry of Children and Family Development

**PANEL:** Gordon Armour, Panel Chair

### DECISION

#### Introduction

[1] The appellant appeals to the Community Care and Assisted Living Appeal Board (Board) from the decision of Lenora Angel, Director of Early Childhood Educator Registry (ECE Registry), dated August 15, 2007, refusing to grant the appellant basic early childhood education program equivalency in British Columbia for her training through the Stratford Career Institute.

[2] The appellant undertook a Teacher's Aid course through the Stratford Career Institute, beginning her program in April, 2003 and completing the academic requirements with a grade point average of 94%. In December 2006, she enrolled in the Early Childhood Education Program, again through the Stratford Career Institute, completing her studies in seven months with an overall grade of 94%. Studies undertaken through the Stratford Career Institute were done via correspondence course with no onsite classroom training taking place.

[3] Between September 2006 and December 2006, the appellant was also substituting at Harmony Daycare and worked approximately 170 hours.

[4] In July 2007 the appellant wrote to the ECE Registry seeking registration as an early childhood educator to enable her to become licensed to work in a group daycare setting.

[5] The ECE Registry completed an assessment of her credentials towards meeting the requirements for an assistant or early childhood educator and determined that she had not completed training equivalent to one course of an approved basic Early Childhood Education Program. The respondent communicated this decision to the appellant by letter dated August 15, 2007 and advised the appellant of her right to appeal the decision of the Director refusing to issue her a certificate.

[6] The appellant wrote to the Board on August 24, 2007 seeking to appeal that decision.

[7] The appeal is brought under s. 29(2)(d) of the *Community Care and Assisted Living Act*, SBC 2002, c. 75 (Act), which provides that an applicant under s. 8 of the Act for certification as an educator of children may appeal to the Board within 30 days of receiving notification of refusal to issue the certification.

[8] This appeal was conducted on the basis of the parties' written and oral presentations by way of an oral hearing held through a telephone conference call on December 18, 2007.

[9] Upon appeal the Board has authority under section 29(12) of the Act to "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."

[10] According to section 29(11) of the Act the appellant "bears the burden of proving that the decision under appeal was not justified".

### **Statutory Provisions**

[11] The certification of early childhood educators in British Columbia is governed by the Act and any regulations made under the Act. Section 8(1) of the Act provides:

#### **Certification of educators of children**

**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, at a community care facility.

[12] Section 9 of the *Child Care Licensing Regulation* (B.C. Reg. 319/89), as it was in force at the time of the decision under appeal, states that:

**Qualifications for an early childhood educator certificate.**

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 education 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

(2) If an applicant has, in qualifying for another profession, completed a course that the director of the early childhood educator registry considers is 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. (emphasis added)

[13] The Regulation has since been replaced by a new *Child Care Licensing Regulation* (B.C. Reg. 332/2007) which came into force in November 2007. The new Regulation contains similar provisions in sections 25 and 28 as follows:

**Early childhood educator certificate**

**25** The director may issue an early childhood educator certificate to a person who does all of the following:

- (a) submits an application to the director;
- (b) has successfully completed a basic early childhood education training program through an educational institution listed in item 1 of Schedule D;

(c) provides a written reference from an educator stating that the person is personally satisfied, from his or her own observations of the applicant, that the applicant is competent

(i) in the areas of child development, guidance, health and safety and nutrition,

(ii) to develop and implement an early childhood education curriculum, and

(iii) with respect to the fostering of positive relationships with children under the care of the applicant, the families of children and with co-workers;

(d) provides proof of

(i) having completed at least 500 hours of work experience relevant to early childhood education, or

(ii) sufficient child care experience that the director is satisfied that the applicant has become competent in the matters set out in paragraph (c);

**28** (1) Despite sections 25 to 27 [*requirements for certificates*], the director may exempt an applicant for a certificate from a requirement under any of those sections to complete a program or course if

(a) the applicant has completed a program or course

(i) in qualifying for another profession, or

(ii) through an educational institution that is not listed in the applicable provision of Schedule D, and

(b) the director considers the completed program or course to be at least equivalent to the required program or course.

(2) For the purposes of subsection (1), the director may determine that a program or course is not equivalent to a required program or course solely on the basis that the institution through which the applicant completed the program or course is not approved by a provincial, state, national or other government body. (emphasis added)

### **Position of the Appellant**

[14] The appellant takes issue with the decision not to grant her equivalency in British Columbia for her training received from the Stratford Career Institute.

[15] The appellant's notice of appeal dated August 24, 2007, and filed at Tab 1 of the materials before this Panel, can be summarized as follow:

- The Appellant has completed her grade 12 diploma.
- The Appellant enrolled in, and completed a Teacher's Aid course through Stratford Career Institute, obtaining an overall grade of 94% with highest honors.
- The Appellant completed the Early Childhood Education course, also through Stratford Career Institute, and also with an overall 94% and highest honors.
- The Appellant has worked in a daycare and also volunteered in her son's school.

[16] The appellant stated in her evidence before the Panel that she doesn't understand why the company she dealt with for her courses is not sufficient and that she believes that with her training and work experience she is well qualified to work in her chosen career. She stated that she knows the job and what the career requires of her and that this is the career she wants and enjoys doing. She also stated that she has worked hard and has invested significant time and money into her training and believes that it shouldn't matter what province she received her training from as long as she's qualified.

### **Position of the ECE Registry**

[17] The respondent requests that her decision to deny the appellant's license to practice as an ECE educator in British Columbia be upheld by the Board.

[18] The ECE Registry's statement of points dated October 15, 2007 and found at Tab 4 of the materials before this Panel, outlines the following in support of the respondent's request:

#### 1) Background

The requirements to be certified as an early childhood educator pursuant to the Act and Regulation are as follows:

- Successful completion of a basic early childhood education training program or equivalent which includes completion of an approved first aid program
- Completion of 500 hours of work experience in Canada which is documented via a letter written by a licensed early childhood educator and includes:
  - The start date and number of hours completed
  - The facility name, number and type, and
  - A recommendation to become a licensed early childhood educator and an attestation of the applicant's good character

The Director of the Early Childhood Educator (ECE) Registry may deem an out of province program to be equivalent based on specific criteria, which are:

- The training was at a post-secondary level, and
- The training is completed at a training institution that is recognized by the province, state or country in which the training institution is based in.

## 2) The Process for Training Completed Outside of the Province of British Columbia

As [the appellant] completed her training outside of the province of British Columbia, it is important to be aware of the assessment process. Prior to January 1, 1997 the Early Childhood Educator (ECE) Registry completed academic assessments of training completed outside of the province of British Columbia. These assessments relied on a review of transcripts, diplomas, course outlines and correspondence from the training institution. Effective January 1, 1997 the ECE Registry began to utilize the International Credential Evaluation Service (ICES) to determine the following:

- That the training institution was recognized by the province, state or country in which the training institution is based.
- That the training was offered at the post-secondary level.

In addition, the ECE Registry requires the training institution to complete a Program Confirmation Form which clearly outlines the hours of instruction in the different areas of competency which include:

- Child Growth and Development – *90 hours required*
- Program Development, Curriculum and Foundations – *312 hours required*
- Interpersonal Skills/Community Relations/Interaction with Families – *45 hours required*
- Basic Health, Safety and Nutrition – *30 hours required*
- Basic Practicum – *425 hours required*

### 3) Response to [the appellant's] Statement of Points

- Training completed through the Stratford Career Institute
  - Based on previous assessments completed through the ICES, the Early Childhood Educator Registry is aware that the Stratford Career Institute training program is not recognized by the Province of Quebec. Based on section 9 (3) of the Child Care Licensing Regulations, the Director of the Early Childhood Educator Registry has the authority not to recognize the training.
- ECE Work Experience Meeting Academic Requirements
  - According to the ECE Registry policy manual, section 2, subsection 9 applicants can challenge courses required for certification by contacting “the Director of the institution offering the training program.” The Early Childhood Educator Registry does not exempt applicants from academic course work based on previous work experience. Therefore, the Early Childhood Educator Registry is unable to exempt [the appellant] from any of the academic requirements based on her work experience.

[19] The ECE Registry submits that it endeavours to ensure consistency between assessments for individuals who are trained both in and outside of British Columbia. As an example, the ECE Registry notes that in order for an applicant trained in British Columbia to have their training recognized, they must have attended a training institution that is either approved by the ECE Registry or is recognized as a public training institution in British Columbia. The respondent further submits that while the appellant's training is of value and does provide useful information regarding the field of early childhood education, because it is not recognized by the province in which it is based and does not appear to meet the instructional hour and course content requirements as an approved Early Childhood Education Program, the ECE Registry is not able to accept it as equivalent to an approved course for purposes of certification.

### **Discussion and Analysis**

[20] The legislation sets out the basic minimum requirements for certification as an early childhood educator in British Columbia. Those include the successful completion of an approved or equivalent basic early childhood education training program. The Panel is of the view that the Teacher Aide Program undertaken by the appellant fails to meet any of the course requirements set out by the Registry. Further, the Panel is of the view that the Early Childhood Education Program from Stratford Career

Institute, as outlined in the Official Transcript of Grades provided to the appellant, fails to meet specific course content requirements identified by the ECE Registry.

[21] The Panel also notes that the Stratford Career Institute provides no description of hours undertaken in each content area, nor does it appear that the requirement of completing an approved first aid program is contained within the curriculum of the Early Childhood Education program of the Stratford Career Institute.

[22] With regard to the Basic Practicum requirement of 425 hours, the appellant by her own submission identifies that she has only undertaken approximately 170 hours of work experience. Further, the documentation of those hours as required is not evident in the submissions before this Panel.

[23] The evaluation completed by the International Credential Evaluation Service (ICES), which was not disputed by the appellant, finds the following:

- a) the Stratford Career Institute is not recognized by Provincial or State Legislation.
- b) The Stratford Career Institute, Diploma in Early Childhood Education generally represents the completion of one-half full-time equivalent of study at the post-secondary level. Because Stratford Career Institute is not publicly funded or government legislated, this credential would not normally be recognized or accepted for admission or transfer credit by recognized post-secondary institutions in Canada or the United States. This credential is not considered generally comparable of the first one-half year of post-secondary study at a recognized secondary school in British Columbia or elsewhere in Canada.

[24] In her testimony before this Panel, the ECE Registrar, representing the respondent, noted that the Registry recently requested information from the Stratford Career Institute regarding its Child Daycare Management program. Written on the information pamphlet it states:

“This program is specially designed to serve as an introduction or enhancement of the theoretical knowledge required for the vocational application of this subject. It is intended to help individuals in the furtherance of their vocational training and is not intended as a substitute for licensing or certification requirements, which may include an apprenticeship or additional training as required by your provincial laws.” (emphasis added)

[25] The Panel is satisfied that the Child Daycare Management program, referred to in the pamphlet, and the Early Childhood Educator program in question, are one and the same.

[26] The Panel has also considered the fact that the course of studies undertaken through the Stratford Career Institute was correspondence type



work in nature and provided no practical application of the learning content, which would appear appropriate given the nature of the training.

[27] The ECE Registry identified to the appellant a process that could be undertaken by applicants trained out-of-province whereby they can get their credentials assessed by an approved training institution such as Douglas College or Northern Lights College for transfer credit. The appellant, in her testimony before this Panel, identified that she had applied for transfer credit through Northern Lights College and was denied.

[28] Taking into consideration the clear wording of section 9(3) of the Regulation, and all the factors stated above, the Panel finds that the respondent reasonably exercised her discretion to rely on the former section 9(3), [now section 28(2)] of the Regulation to deny certification. While the Panel is sympathetic to the appellant's frustration at having invested time and money on training that is not recognized for certification purposes, the Panel agrees with the submissions of the ECE Registry and upholds the decision made by the Director of the Early Childhood Educator Registry on August 15, 2007.

[29] In her testimony the appellant identified that she has reviewed the program offered at the College of New Caledonia and is willing to take extra courses in order to provide her with the certification to work in a daycare facility. The Panel was impressed with the appellant's passion for and commitment to her chosen career and recognizes that although the training she has undertaken to date through the Stratford Career Institute is not recognized for licensing purpose in British Columbia, it most likely has provided some valuable background information that would enhance her further studies in a recognized institution should she wish to pursue her goals further.

### **Conclusion**

[30] After carefully considering all the evidence and submissions before this Panel, whether or not specifically referred to in this decision, the Panel finds that the appellant has failed to establish that the respondent's decision to refuse to issue the appellant an ECE certificate was unjustified.

The appeal is dismissed.

February 4, 2008

Gordon Armour, Panel Chair