

Submission by the

**Ontario Teachers' Federation/  
Fédération des enseignantes et  
des enseignants de l'Ontario**

to the

**Standing Committee on Social Policy  
Regarding Bill 78, the *Education  
Statute Law Amendment Act (Student  
Performance) 2006***

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## **Submission by the Ontario Teachers' Federation to the Standing Committee on Social Policy Regarding Bill 78, the *Education Statute Law Amendment Act (Student Performance) 2006***

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The Ontario Teachers' Federation (OTF) welcomes this opportunity to provide the Standing Committee on Social Policy with feedback on Bill 78, the *Education Statute Law Amendment Act (Student Performance) 2006*. OTF is the statutory organization representing the professional interests of teachers employed in the publicly-funded schools of Ontario. It is composed of four affiliated organizations – L'Association des enseignantes et des enseignants franco-ontariens, the Elementary Teachers' Federation of Ontario, the Ontario English Catholic Teachers' Association and the Ontario Secondary School Teachers' Federation – and has a membership of 144,000 teachers.

While OTF supports many of the key amendments included in Bill 78, there are a number that cause the Federation concern. The main issues that we will address in this submission are:

1. the New Teacher Induction Program, including the proposed amendments to the performance appraisal process for new teachers;
2. amendments to the Ontario College of Teachers' Act; and
3. increased regulatory authority of several key legislative clauses.

### **New Teacher Induction Program (NTIP)**

OTF would like to commend the Government for its proposed removal of the Ontario Teacher Qualifying Test (OTQT), and the introduction instead of the New Teacher Induction Program (NTIP). The OTQT has been viewed by education stakeholders across Ontario as a costly and ineffective tool that did little to strengthen student achievement or the knowledge and skills of the province's beginning teachers. By contrast, the New Teacher Induction Program is built on a sound research foundation, and reflects what is known in practice to support the successful transition of beginning teachers into the teaching profession. The NTIP is to include mentoring, orientation and professional development components for beginning teachers, all of which have been shown to increase teacher retention rates in the early years of professional practice.

OTF believes that the principal's role in deciding on the appropriate elements of the NTIP for individual teachers is one that should be undertaken in discussion with the new teacher and, where appropriate, the mentor teacher, and should not be unilaterally determined by the principal. We recommend the addition of the phrase "in consultation with the new teacher" in this section of the Bill.

### **Recommendation:**

1. That the role of the principal defined under Section 37 of the Bill, in determining the elements of the New Teacher Induction Program to be offered to each new teacher, be amended by the addition of the phrase "in consultation with the new teacher".

The NTIP will also include a streamlined teacher performance appraisal (TPA) process for beginning teachers. The revised process will provide a far more meaningful assessment of actual teaching practice than its predecessor, and appropriately focuses on teacher success through performance and growth. The Federation supports the streamlining of the TPA process to provide principals with a more objective and discernable rating scale of “satisfactory” or “not satisfactory”. The use of the two-point scale is favoured in the research literature and by the vast majority of Ontario school boards, since it eliminates subjective decisions about who is “exemplary” compared to who is “good”.

Beginning teachers who receive two satisfactory ratings will be considered to have fulfilled the TPA component of the NTIP. The Federation applauds this streamlining of the process that will relieve the workload of principals who currently must conduct four performance appraisals in the first two years of a teacher’s practice. The amendment provides for sufficient appraisal opportunities for teachers who receive an unsatisfactory rating, and streamlines the process considerably with regard to teachers who receive two satisfactory ratings in their first year.

The Federation looks forward to being included in consultations on other details regarding the streamlined performance appraisal process for new and experienced teachers, which are to be defined via Regulation.

We encourage the Government to include occasional teachers in its definition of “new teacher”, especially those who are employed by school boards on a long-term basis. Since many new teachers currently begin their employment in a part-time or occasional capacity, it would be useful to provide these teachers with access to the supports inherent in the NTIP. There is a concern that occasional teachers who do not have access to the NTIP will be discriminated against in the hiring process and will be less successful in obtaining permanent teaching positions.

### **Recommendations:**

2. That the definition of “new teacher” used in the Act include teachers employed on an occasional basis.
3. That school boards be required to include all new teachers, including occasional teachers, in their New Teacher Induction Programs.

### **Amendments to the *Ontario College of Teachers’ Act, 1996***

#### Composition of the Governing Council

In its 2004 paper entitled *Revitalizing the Ontario College of Teachers*, the Government stated:

*Teachers deserve the privilege of self-regulation. Ontario teachers exercise a significant trust in their everyday working lives by making discretionary decisions about the needs and development of our children and young adults. It follows that they should be extended the respect of controlling how their profession operates to serve the public interest.*

The Federation is therefore encouraged by the proposal to increase the composition of the Governing Council from 17 to 23 persons who are members of the College and who are elected by the members of the College.

The Federation believes that ensuring a majority of teachers on the Governing Council is a necessary first step to increasing teacher engagement and confidence in the College. Ontario's teachers currently acknowledge that they feel disconnected from their regulatory body, and lack confidence in it. Declining voter turnout and candidacy numbers over the years bear witness to this fact. In 1997, 32% of the members voted in Governing Council elections, while in 2000, only 13.9% voted. By the spring of 2003, this number had dropped to just 4.4%. The decline over time in the number of teachers who have run for election follows a similar pattern. In the 1997 election, over 400 individuals ran, while in 2003 this number had dropped to just 42 candidates for the 17 elected positions. A full five of the 13 elected teacher positions in 2003, and one of the four designated elected positions, were acclamations.

It is the position of OTF that all fee-paying members of the Ontario College of Teachers (OCT) who are in good standing should be eligible to run for office and to vote. Once elected, OCT Councillors should be directed by conflict of interest guidelines, which assist in identifying conflicts of interest and provide direction.

By increasing classroom teacher representation on the Governing Council, the Government will take strides towards conveying to the profession that the College is truly a self-regulatory body. Increased teacher representation is not, however, sufficient in and of itself.

#### Public Interest Committee

As the Government moves to revitalize the College of Teachers and ensure it has the respect and support of teachers and the public, it must avoid legislation that will result in completely opposite outcomes. The College of Teachers, as a self-regulating body, was created to act and represent the public interest. By its nature and by definition, the main objective of the College of Teachers is to guard over the public interest. OTF accepts and supports this. The Federation suggests, however, that the proposed creation of a Public Interest Committee undermines this role because it communicates a mistrust of the profession, and detracts from the commitment to create a truly self-regulating body.

The Federation believes that the optics of mistrust that are inherent in the creation of a watchdog committee to oversee the actions and decisions of the College will only serve to further disenfranchise and distance teachers from the College. We can find no evidence of the existence of an equivalent committee in any of the other self-regulating professions in Ontario, and therefore question why it would be seen as a reasonable imposition on the teaching profession. Moreover, notwithstanding the fact that the Federation has had some disagreement with the College over the years since its creation, we can see nothing in the past decisions taken by the Council that undermine or betray in any way, shape, or form its service of the public interest. Moreover, the creation of the Public Interest Committee undermines the independence of the College by tying it to a Government-appointed body. We therefore recommend deleting section 53 of the proposed Act.

**Recommendation:**

4. That Section 53, creating a new Public Interest Committee, be deleted.

Oath of Office

Bill 78 makes general provision for an oath of office for those elected and/or appointed to the Governing Council of the College, the details of which are to be specified in Regulation. The British Columbia College of Teachers has had an oath of office since 2004, which we attach for the information of the Committee. The Federation believes that the requirement of an oath of office, by which both elected and appointed representatives commit to serving in the public interest, is a reasonable requirement. An appropriate oath would increase the confidence of the public that the principal mandate of the College of Teachers is to act in the public interest in regulating the profession, and that the members of the Governing Council are implicitly and explicitly committed to delivering on this mandate.

**Recommendation:**

5. That the oath of office introduced under Section 51 use wording similar to that used in the oath of office of the British Columbia College of Teachers. (See Appendix)

Reduced Term of Council

The current maximum term for College Councillors is 10 years, or three terms of three years (with allowance for terms to be extended by six months). Section 52 of the Bill proposes reducing this to six years or two three-year terms, with no provision for extended terms. In the nine years since the College came into existence, two of the terms have had to be extended by six months each, at the request of the Government. The Federation maintains that the wording in the current Act provides greater flexibility than the proposed amendment. Moreover, we believe that allowing Councillors to serve for a third consecutive three-year term enables those who choose to take on the role of Chair or Vice Chair with the necessary time to develop their experience.

**Recommendation:**

6. That Section 52 of Bill 78 be deleted, leaving the maximum term of office on Council at 10 consecutive years.

Conflict of Interest Provisions

Section 57 of Bill 78 provides for the establishment of conflict of interest rules by the College of Teachers through its regulations. Many regulatory bodies have conflict of interest provisions that govern the conduct of both elected and appointed representatives. OTF believes it is appropriate for the Ontario College of Teachers to have such provisions.

Conflict of interest takes many forms including, but not limited to, financial conflict. Effective conflict of interest rules assist in identifying conflict situations and provide guidance in those circumstances. As members of the Standing Committee who are members of Parliament recognize from their own experiences, conflict of interest is not avoided by limiting eligibility to serve, but by assisting in the identification of conflict situations, and providing guidance and direction.

#### Fair and Open Registration Process

Section 54 of the Bill proposes amendments to the Section on Registration included in the *College of Teachers Act*. The amendments reinforce the obligation of the College to establish fair and transparent standards, practices and procedures with respect to the College's registration process, and to ensure that all applicants fully understand any decisions made with respect to their request for certification and registration. OTF believes that this provision in the Bill will particularly benefit teachers trained outside of Ontario, many of whom have struggled in the past to understand the registration decisions rendered by the College. Over the past two years, OTF has worked with the College and two community agency partners to assist internationally-trained teachers to successfully gain certification and access to the teaching profession. Over this period of time, the College's registration practices have improved greatly, and there is now greater transparency and clarity in the registration decisions rendered by the College than ever before. OTF believes it is appropriate to ensure that the registration process is both fair and transparent, while maintaining the high standard for the profession.

#### Peer Review for Principals

While it is not contained in the printed version of the bill that was approved at second reading and is under consideration by the Standing Committee, we would like to comment on a matter raised by the Minister of Education when she appeared before the Committee. It is our understanding that Minister Papatello informed the Standing Committee that she will bring forward an amendment to the College of Teachers Act to provide for what she characterized as 'peer review for principals'. This idea is not a new one. It has been discussed by the OCT Governing Council several times before and rejected. The concept is not supported by the majority of the members of the College, nor by the Governing Council of the College. The 'peers' of the College of Teachers are the qualified teachers of the province and are not limited to those in similar roles.

The Minister's stated intention raises questions of whether teachers in other job classifications will claim the right to the same kind of 'peer review'.

We are also concerned that such a provision would leave many decisions of disciplinary panels vulnerable to challenges based on a definition of 'peer review'. Could elementary teachers challenge decisions of panels with only secondary teachers; could teachers challenge panel decisions based on gender, race or religion of the members of the panel?

We join with all the others who have previously pointed out the flaws in such a provision in the Ontario College of Teachers' Act, and strongly advise against such an amendment.

**Recommendation:**

7. That Bill 78 not be amended to include provision for peer review of principals at the Ontario College of Teachers.

**Increased Regulatory Authority**

A disquieting aspect of the Bill is that it introduces the authority for Cabinet to set regulations to promote the “provincial interest in education”. While no definition is provided of what constitutes this “provincial interest”, the Bill provides wide ranging authority for the Government to take control over school boards by prescribing Regulations with respect to the use of funds, student achievement, parent involvement, special education, student health, student and staff safety, and the publication of reports. Essentially, once established, the regulations would give the Government the power to act unilaterally if it perceived a school board did not meet its obligations in matters of provincial interest. This amendment risks empowering a micromanagement of school boards by the province. Here again, the transparent process of legislative debate would be significantly undermined. This provision also undermines the democratic process by which trustees are elected to represent tax payers in the local administration of education.

**Recommendation:**

8. That Section 4, introducing regulations regarding provincial interest, be deleted.

**Conclusion**

The Federation welcomes the opportunity to present this response to the Standing Committee about changes to Education legislation that will have a significant impact on the professional and working lives of our teachers. We remain, however, concerned about the regulations that will flow out of the Bill, which will define and operationalize the initiatives enabled by the Bill.

Specifically, on the question of the Ontario College of Teachers, OTF believes that the College is at a critical turning point in terms of how it will operate in the future. We acknowledge and respect the role of the College of Teachers to act in the public interest. It remains the professional regulator and as such must have the respect of the teachers who are its members. We must ask, “Will it be given the necessary structure to enable it to be governed democratically by the members of the profession, or will it continue to operate and be viewed by its membership as a largely unresponsive and unrepresentative bureaucracy? Will the Government deliver on its promise of creating a truly self-regulating body for teachers or will teachers be left feeling that once again they have not received the professional respect and trust they deserve?”

It is OTF’s hope that the Regulation will be drafted in such a way to respond positively to these questions, resulting in a truly revitalized Ontario College of Teachers.

Time permitting, I will be happy to take your questions.

## Summary of Recommendations

1. That the role of the principal defined under Section 37 of the Bill, in determining the elements of the New Teacher Induction Program to be offered to each new teacher, be amended by the addition of the phrase “in consultation with the new teacher”.
2. That the definition of “new teacher” used in the Act include teachers employed on an occasional basis.
3. That school boards be required to include all new teachers, including occasional teachers, in their New Teacher Induction Programs.
4. That Section 53, creating a new Public Interest Committee, be deleted.
5. That the oath of office introduced under Section 51 use wording similar to that used in the oath of office of the British Columbia College of Teachers. (See Appendix)
6. That Section 52 of Bill 78 be deleted, leaving the maximum term of office on Council at 10 consecutive years.
7. That Bill 78 not be amended to include provision for peer review of principals at the Ontario College of Teachers.
8. That Section 4, introducing regulations regarding provincial interest, be deleted.

## APPENDIX

### British Columbia College of Teachers

#### Oath of Office

The following oath is prescribed for the purposes of section 9.1 of the *Teaching Profession Act*.

I do swear and/or solemnly affirm that:

- I will abide by the *Teaching Profession Act* and I will faithfully discharge the duties of the position, according to the best of my ability;
- I will act in accordance with the law and the public trust placed in me. I will act in the interests of the College as a whole.
- I will uphold the objects of the College and ensure that I am guided by the public interest in the performance of my duties.
- I have a duty to act honestly. I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interest;
- I will ensure that any other memberships, directorships, voluntary or paid positions or affiliations remain distinct from work undertaken in the course of performing my duty as a Council member.

So help me God. (*Omit this phrase in an affirmation*)

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