

Recommendations of the

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

to the

**Honourable Gerard Kennedy  
Minister of Education  
Ministry of Education, Ontario**

re

**Teacher Performance Appraisal**

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**OITF/FEO**



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# Introduction

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In March 2002 the Government of Ontario, under Conservative Premier Ernie Eves, introduced a province-wide Teacher Performance Appraisal System (TPAS). The new system of assessing teachers' professional performance was enacted into Section 277, clauses 14 to 45 of the *Education Act*, and a new Teacher Performance Appraisal Regulation, Ontario Regulation 99/02, was created.

At the time, the Ministry of Education informed education stakeholders that the TPAS would be reviewed at the end of the first three-year cycle (June 2005). To this end, the Ministry contracted the Council of Ontario Directors of Education (CODE) to monitor the implementation of TPAS across Ontario between 2002 and 2004. After visiting 36 district school boards as well as several provincial schools and school authorities, and gathering feedback from 97 directors and superintendents, 310 principals, 231 vice-principals, 1,000 teachers in their evaluation year, 310 parents and 141 senior secondary school students, CODE presented a report of its findings and recommendations to the Ministry of Education in mid 2004. At about the same time, a task force of education stakeholders representing all of the teachers, principals and supervisory officers in the English, French, public and Catholic school systems came together to identify areas of common ground in their experiences with the TPAS. In November 2004, a set of 11 consensus statements was communicated to the Minister of Education.

Working from the above data sources, the Ontario Teachers' Federation and its four Affiliates – 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 – have gathered together the learnings gleaned by stakeholders from the first three-year implementation cycle of TPAS. Our document includes three sections:

1. Recommended Changes Needed to Improve the Teacher Performance Appraisal System (TPAS)
2. Table of Recommended Legislative Changes
3. Summary of Specific Recommendations

In addition, a list of belief statements regarding effective performance appraisal systems is appended to this document.

# Recommended Changes Needed to Improve the Teacher Performance Appraisal System (TPAS)

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1. The three-year cycle needs to be changed to a five-year cycle. The three-year cycle is unworkable, unnecessary for the vast majority of teachers, and takes time away from meeting the needs of students. Any teachers who get into difficulty during the cycle can always be given additional performance appraisals under section 277.30.
2. The four-point rating scale does not work. We strongly recommend a two-point scale - *Satisfactory* and *Unsatisfactory* - as favoured in the research literature and by the vast majority of Ontario school boards. Some boards have successfully used *At or above standard* and *Below standard*. We would support this wording. The use of a two-point rating scale would eliminate subjective decisions about who is "exemplary" compared to who is "good".
3. Only one evaluation should be required for experienced teachers, whether new to a board or in their evaluation year. Additional performance appraisals can be conducted under section 277.30 for teachers experiencing difficulties.
4. Regulation 98/02, section 2(2) should be amended to indicate that a teacher's annual learning plan must be prepared and submitted each year, but consultation with a principal is not necessary unless the teacher has had an unsatisfactory rating on a performance appraisal, in which case the principal may provide input into the contents of a learning plan as part of an improvement plan. As stated in the Minister's discussion paper, *Unlocking Student Potential through Teacher Professional Development*:

The annual learning plan should recognize teachers' own high professional standards and responsibility for ongoing learning. It should take on more importance, as a way for constructive discussion among teachers about teacher development needs and opportunities. Principals would only take more of a role in influencing these plans if teachers are struggling or under review.

The original Bill 110 separated the annual learning plan from the teacher performance appraisal process entirely. Annual learning plans, except as part of an improvement plan, should not be included in Regulation 99/02 at all.

Research shows that the most effective teacher professional development is self-directed. We acknowledge the right of an evaluator to provide recommendations for a teacher as part of an improvement plan for a teacher performing at less than a satisfactory level. However, the vast majority of teachers perform satisfactorily, and should be able to decide for themselves what learning is needed for their own growth.

Teachers are already obliged by section 264 of the *Education Act* to participate in professional activity days as designated by the board. This gives the principal sufficient control over teacher in-service and further control over learning plans is unnecessary.

5. The competencies and "look for" statements should be revised. While many of the competencies evaluated are appropriate, others are difficult to observe and evaluate, particularly when applied to new teachers and teachers who do not have regular classroom responsibilities. The "look for" list is too long, unmanageable, time consuming, often irrelevant, and implemented inconsistently across the province. Several Boards have developed much more useful and clear competency statements with their teachers, and have implemented these successfully. We strongly recommend the approach adopted by the Durham District School Board (see Appendix 2).
6. The regulated schedule of competencies should represent the maximum number available. However, flexibility should be enabled to allow selection from the regulated competencies as appropriate to each situation.
7. We value the post observation meeting as an important part of the process. However, the post-observation form should be eliminated.
8. The formal collection of parent and student input as part of the legislated teacher performance appraisal regime should be eliminated.
9. Teachers new to the profession should be required to have two appraisals in the first evaluation year. Once they have received two satisfactory appraisals, no additional appraisals should be required of beginning teachers in their second year.
10. Notification to the College of Teachers regarding teachers who resign or are terminated should not be required to be "promptly filed" as "a complaint under section 26 of the Ontario College of Teachers Act", but can be dealt with as a notification under section 43 of the Act. If teachers resign while under review, notification may be an option. In either case, the only documents that should be required to be shared with any other school board who may employ the teacher in the future, should be the two prior performance appraisals.

11. Timelines following unsatisfactory evaluations should be specified as minimum times. After the first unsatisfactory evaluation, there should be a minimum of 60 days before a second appraisal. When the teacher is on review, there should be a minimum of 120 days for the improvement plan to be fully implemented.
12. The evaluation procedure for principals and vice-principals (section 287.2 to 287.7) should be enacted, along with related regulations.

Historically, principals and vice principals were members of teacher bargaining units. They were removed from the bargaining units via the Education Quality Improvement Act 1997. They were also removed from the definition of "teacher" under Part X.1 of the Education Act which identifies teachers subject to the collective bargaining regime set out in the Act. However, most importantly, principals and vice principals are members of the Ontario College of Teachers and are first and foremost, "teachers" for the purposes of most of the provisions of the Education Act. Principals and vice principals are "leaders of instruction" in our schools; they are models for other teachers. In order to evaluate classroom and other teachers under the teacher performance regime, principals must be very knowledgeable about current curriculum requirements and changes; they must function from a bedrock of pedagogically sound theory, and they must be knowledgeable about best teaching practice. Vice-principals, as "principals in training" may also be involved in the evaluation process and will also be required to have extensive theoretical and practical knowledge. Both principals and vice-principals should be judged according to these expectations. It is also important to include as part of a statutory performance appraisal scheme for principals and vice principals, a section evaluating their managerial ability.

As administrators integral to the scheme of delivering sound education to the students of our province, and as leaders who set the tone and spirit of our schools, principals and vice principals should have their performance evaluated in a meaningful and fair way, as anticipated by the scheme introduced, but never passed into law.

If educators and the general public are to have faith in the merit of periodic and institutionalized teacher performance evaluation, there is no sound reason for the exemption of administrative leaders from a periodic evaluation scheme.

# Table of Recommended Legislative Changes

## EDUCATION ACT – S 277.14 – S 277.45

Note: The existing legislation is in the left hand column of the chart below. Recommended changes are suggested in the right hand column. It is assumed that necessary housekeeping to eliminate the timed phase-in of section 277 will also be eliminated.

LEGISLATION	RECOMMENDATION
277.14 Purpose of Part	Status Quo (SQ)
277.15 Interpretation	SQ
277.16 Application to certain schools	SQ
277.17 Delegation of principal's duties, powers	SQ
277.18 Delegation of supervisory officer's duties, powers	SQ
277.19 Appraisals by different individuals	SQ
277.20 Board rules, certain circumstances	SQ
277.21 Regulations, certain circumstances	SQ
277.22 Board policies and rules, general	SQ
277.23 Compliance with timelines	SQ

## Frequency and Timing of Performance Appraisals

### 277.28 Evaluation on three-year cycle

277.28 (1) Every board shall schedule evaluation years for teachers in a manner that provides for each teacher to have one evaluation year in each period of three consecutive years during which the teacher is employed by the board.

(2) The board shall ensure that each teacher receives at least two performance appraisals during each of his or her evaluation years.

(3) Once a teacher employed by a board has an evaluation year under this section, each subsequent evaluation year of the teacher, as long as the teacher continues in the employ of that board, must be preceded by two years that are not evaluation years for the teacher under this section.

(4) The performance appraisals under this section shall be conducted by the principal assigned to the school to which the teacher is assigned in the evaluation year scheduled for the teacher

(5) The principal may conduct performance appraisals of a teacher under this section at such intervals as the principal considers appropriate, subject to any requirements in this Part or any regulation, guideline, rule or policy under it.

(6) The principal shall give the teacher written notice of the rating determined for each performance appraisal conducted under this section.

(1) 5-year cycle is being proposed.

(2) A second performance appraisal is only necessary for new teachers.

For other teachers, if the first appraisal in an evaluation year is satisfactory, there is no need for a second appraisal.

Teachers who are new to the profession would be appraised twice in their first year of practice. If the two appraisals are not satisfactory, then a third appraisal may be conducted in the second year.

(3) Must be preceded by 4 years that are not evaluation years.



**277.29 Appraisals, new teachers**

- 277.29 (1) For the purposes of this section,
- (a) a teacher shall be considered to be new to the board during the 24-month period following his or her being hired as a teacher by a board, if the teacher was not employed by the board as a teacher immediately before being hired; and
- (b) a teacher shall be considered to be new to the profession during the 24-month period following his or her being hired by a board, if the teacher has never been,
- (i) employed as a teacher by a board,
  - (ii) employed as a teacher by the Provincial Schools Authority, or
  - (iii) employed as a teacher in connection with a demonstration school established or continued under section 13.
- (2) A teacher shall not be considered new to a board if the teacher is seconded from one board to another board and is not new to the first board within the meaning of subsection (1).
- (3) Every board shall ensure that each teacher employed by it who is new to the board and each teacher employed by it who is new to the profession is scheduled for at least two performance appraisals in each of the first and second 12-month periods that make up the 24-month periods referred to in subsection (1).
- (4) The performance appraisals under this section shall be conducted by the principal assigned to the school to which the teacher is assigned.
- (5) The principal may conduct performance appraisals of a teacher under this section at such intervals as the principal considers appropriate, subject to any requirements in this Part or any regulation, guideline, rule or policy under it.
- (6) For the purposes of section 277.28, the three-year cycle for a teacher who receives performance appraisals under this section begins to run when the teacher ceases to be new to the board or new to the profession, as the case may be

Eliminate (a).

"New to the profession" should be defined as new to a regular teaching job.

(6) Replace 3-year with 5-year cycle.

<p>(7) The principal shall give the teacher written notice of the rating determined for each performance appraisal conducted under this section.</p>	
<p><b>277.30 Additional performance appraisals</b></p>	SQ
<p><b>Standards, Methods and Results of Performance Appraisals</b></p> <p><b>277.31 Regulations: standards, methods and results</b></p> <p>277.31 (1) The Lieutenant Governor in Council may make regulations in relation to performance appraisals conducted under this Part,</p> <ul style="list-style-type: none"> <li>(a) respecting competencies to be evaluated in conducting performance appraisals;</li> <li>(b) respecting the rating scale to be used in conducting performance appraisals;</li> <li>(c) respecting the standards, methods, processes, timelines and steps to be followed and the input and material to be taken into account in conducting performance appraisals;</li> <li>(d) respecting processes, timelines and steps to be followed following performance appraisals that result in ratings that are not unsatisfactory;</li> <li>(e) respecting the results of performance appraisal ratings that are not unsatisfactory, including but not limited to regulations providing for a range of results and criteria to be applied in determining results.</li> </ul> <p>(2) Without limiting the generality of clause (1) (a), regulations under that clause may be made respecting a teacher's,</p> <ul style="list-style-type: none"> <li>(a) commitment to pupils and pupil learning;</li> <li>(b) communication with pupils and their parents;</li> <li>(c) professional knowledge, including subject-matter knowledge and knowledge relating to effective teaching;</li> <li>(d) teaching practices;</li> <li>(e) participation in the life of the school and school community;</li> <li>(f) participation in ongoing professional learning.</li> </ul> <p>(3) Without limiting the generality of clause (1) (b), regulations under that clause shall provide for which</p>	<p>Delete (2) - redundant to (1) (a).</p>

rating or ratings shall be considered unsatisfactory for the purposes of this Part.

(4) Subject to subsections (5) to (8), and without limiting the generality of clause (1) (c), regulations under that clause may provide that documents recording parental input, pupil input or both shall be taken into account.

(5) Without limiting the generality of subsection (4), a regulation that provides that documents recording parental input, pupil input or both shall be taken into account may,

- (a) prescribe the kinds of parental input, pupil input or both that may be sought;
- (b) provide for the use of survey forms;
- (c) provide for processes, timelines and steps to be followed by boards in developing survey forms, including the kinds of consultations to be undertaken or approvals to be obtained

(6) Subject to subsection (7), a regulation that provides that documents recording parental input, pupil input or both shall be taken into account shall also provide that the teacher shall be given an opportunity to review the documents and to respond respecting the documents to the person who conducted the performance appraisal.

(7) A regulation that provides that documents recording parental input, pupil input or both shall be taken into account shall also provide that, where the parent or pupil so requests, words or names that would identify the parent or pupil shall be removed from a document before it is provided to the teacher.

(8) Information obtained solely through documents recording parental input, pupil input or both shall not be the sole factor in a teacher receiving an unsatisfactory rating or in recommending or determining that a teacher's employment should be terminated.

(9) Regulations under subsection (1) may be general or be specific to a class of teachers described in the regulations.

Delete all of 277.31 (4) - (8).

**277.32 Additional competencies, processes, etc.**

277.32 (1) In addition to complying with section 277.31 and the regulations under it, a board may, in relation to the performance appraisals conducted by it under this Part, provide for,

- (a) competencies that are additional to those provided for under clause 277.31 (1) (a);
- (b) standards, methods, processes, timelines and steps to be followed that are additional to those set out under clause 277.31 (1) (c) and input and material to be taken into account that are additional to those set out under clause 277.31 (1) (c);
- (c) processes, timelines and steps that are additional to those set out under clause 277.31 (1) (d) to be followed following performance appraisals that result in ratings that are not unsatisfactory;
- (d) results of performance appraisal ratings that are not unsatisfactory, including but not limited to a range of results and criteria to be applied in determining results, that are additional to those set out under clause 277.31 (1) (e).

(2) Subject to subsections (3) to (6), and without limiting the generality of clause (1) (b), a board acting under that clause may provide that documents recording parental input, pupil input or both shall be taken into account.

(3) Where a board provides that documents recording parental input, pupil input or both shall be taken into account, the regulations under subsection 277.31 (5) apply with necessary modifications.

(4) Subject to subsection (5), where a board provides that documents recording parental input, pupil input or both shall be taken into account, the teacher shall be given an opportunity to review the documents and to respond respecting the documents to the person who conducted the performance appraisal.

(5) Where a board provides that documents recording parental input, pupil input or both shall be taken into account and where the parent or pupil so requests, words or names that would identify the parent or pupil shall be removed from a document before it is provided to the teacher

Delete 277.32 in its entirety.

<p>(6) Information obtained solely through documents recording parental input, pupil input or both shall not be the sole factor in a teacher receiving an unsatisfactory rating or in recommending or determining that a teacher's employment should be terminated.</p> <p>(7) This section shall not be interpreted as authorizing boards,</p> <p>(a) to require or permit performance appraisals to be conducted under this Part that are additional to those required or permitted under other sections of this Part; or</p> <p>(b) to provide for anything that conflicts with the provisions in or under other sections of this Part relating to performance appraisals under this Part, including but not limited to provisions relating to timelines</p> <p>(8) An action of a board under this section may be general or be specific to a class of teachers specified by the board.</p>	
<p><b>277.33 Minister's guidelines</b></p> <p>277.33 (1) The Minister may issue guidelines describing knowledge and practices that the person conducting a performance appraisal under this Part shall look for in order to assist in evaluating the teacher's competencies and in determining the rating to be given to the teacher.</p> <p>(2) While a person conducting a performance appraisal shall comply with the guidelines, the guidelines shall not be taken as a comprehensive statement of what the person shall or may look for or take into account when conducting a performance appraisal.</p> <p>(3) The Regulations Act does not apply to a guideline of the Minister under this section.</p>	<p>Amend to: "The Minister may issue guidelines outlining the procedures to be followed and forms to be used."</p> <p>Delete (2) and all references to 'look fors'.</p>

<p><b>277.34 Performance appraisal document, etc.</b></p> <p>277.34 (1) The Minister may approve a performance appraisal document for the purposes of this Part.</p> <p>(2) The Minister may approve other documents, forms and formats for the purposes of this Part.</p> <p>(3) Every body or person who has a duty or power under this Part shall use the approved documents, forms and formats for the purposes for which they are approved</p> <p>(4) The Regulations Act does not apply to an approval of the Minister under this section.</p>	
<p><b>Process Following Unsatisfactory Rating</b>  <b>277.35 Interpretation, school days</b></p>	SQ
<p><b>277.36 Initial unsatisfactory rating</b></p> <p>277.36 (1) This section applies when a principal conducting a performance appraisal under any of sections 277.28, 277.29 and 277.30 determines that the rating is unsatisfactory.</p> <p>(2) Within 15 school days of determining that a performance appraisal of a teacher has resulted in an unsatisfactory rating, the principal shall,</p> <p>(a) give the teacher written notice of the unsatisfactory rating and explain the reasons for the unsatisfactory rating to the teacher;</p> <p>(b) explain to the teacher what is lacking in the teacher's performance;</p> <p>(c) explain to the teacher what is expected of the teacher in areas in which his or her performance is lacking;</p> <p>(d) taking input from the teacher into account, recommend steps and actions that the teacher should take to improve his or her performance;</p> <p>(e) provide the teacher and the appropriate supervisory officer with a copy of the performance appraisal document;</p> <p>(f) provide the teacher and the appropriate supervisory officer with a brief summary in writing of the explanations referred to in clauses (a) to (c); and</p>	

<p>(g) provide the teacher and the appropriate supervisory officer with an improvement plan in writing setting out the steps and actions referred to in clause (d).</p> <p>(3) Within 60 school days of giving the notice of the unsatisfactory rating under clause (2) (a), the principal shall conduct a second performance appraisal.</p> <p>(4) The interval between the performance appraisal referred to in subsection (1) and the performance appraisal required by subsection (3) shall be in the discretion of the principal, subject to any relevant board policies.</p> <p>(5) In exercising his or her discretion under subsection (4), the principal shall balance the desirability of giving the teacher a reasonable opportunity to improve his or her performance against the interests of the pupils in receiving quality education.</p>	<p>Add: (h) provide the supports and resources for the teacher to implement the improvement plan.</p> <p>(3) Amend to show a minimum of 60 school days.</p> <p>(4) The interval may be extended beyond 60 days by mutual consent but shall never be less than 60 days.</p>
<p><b>277.37 Second unsatisfactory rating</b></p> <p>277.37 (1) This section applies when a principal conducting a performance appraisal under subsection 277.36 (3) determines that the rating is unsatisfactory, with the result that a teacher has received two consecutive unsatisfactory ratings under this Part.</p> <p>(2) Within 15 school days of determining that a performance appraisal of a teacher has resulted in an unsatisfactory rating, the principal shall,</p> <p>(a) give the teacher written notice of the unsatisfactory rating, explain the reasons for the unsatisfactory rating to the teacher, place the teacher on review status and advise the teacher in writing of that fact;</p> <p>(b) explain to the teacher what is lacking in the teacher's performance;</p> <p>(c) explain to the teacher what is expected of the teacher in areas in which his or her performance is lacking;</p>	

- (d) explain to the teacher the ways, if any, in which the teacher's performance has changed since the previous performance appraisal;
- (e) seek input from the teacher as to what steps and actions would be likely to help the teacher improve his or her performance;
- (f) provide the appropriate supervisory officer and, subject to subsections 277.31 (7) and 277.32 (5), the teacher, with a copy of the performance appraisal document and copies of all documents relied on in conducting the performance appraisal;
- (g) prepare a written improvement plan for the teacher setting out steps and actions that the teacher should take to improve his or her performance, taking into account input from the teacher under clause (e); and
- (h) provide the teacher and the appropriate supervisory officer with,
  - (i) a brief summary in writing of the explanations referred to in clauses (a) to (d), and
  - (ii) a copy of the written improvement plan prepared under clause (g).

(3) Before preparing the plan referred to in clause (2) (g), the principal shall consult with the appropriate supervisory officer

(4) Subsection (3) does not apply where the principal's duties and powers are performed and exercised by a supervisory officer in accordance with section 277.17 or 277.18.

**277.38 Review status**

277.38 (1) Throughout any period during which a teacher is on review status, the principal shall,

- (a) monitor the teacher's performance;
- (b) consult regularly with the supervisory officer regarding the teacher's performance and steps that may be taken to improve it; and
- (c) provide such feedback and recommendations to the teacher as the principal considers might help the teacher improve his or her performance.

(2) Clause (1) (b) does not apply where the principal's duties and powers are performed and exercised by a supervisory officer in accordance with section 277.17.

Add after section (h) a new section (i) which makes it a duty to provide the supports and resources for the teacher to implement the improvement plan.



(3) Subject to subsection (5), during the 120 school days starting with the day on which the teacher is advised that he or she is on review status, the principal shall conduct one more performance appraisal.

(4) Where the principal conducting the performance appraisal under subsection (3) determines that the rating is not unsatisfactory,

(a) the teacher immediately ceases to be on review status;

(b) the principal shall advise the teacher in writing of that fact and give the teacher written notice of the rating on the appraisal under subsection (3); and

(c) subsections (6) to (14) and section 277.39 do not apply.

(5) If, at any time during the 120 school days starting with the day on which the teacher is advised that he or she is on review status, the principal and supervisory officer jointly determine that the delay necessitated by conducting a performance appraisal under subsection (3) is inconsistent with the protection of the best interests of pupils, they shall refrain from conducting the appraisal and shall promptly transmit a joint recommendation in writing to the board that the teacher's employment with the board should be terminated.

(6) A recommendation under subsection (5) shall include a statement that in the opinion of both the principal and the supervisory officer the delay necessitated by a third performance appraisal is inconsistent with the protection of the best interests of pupils

(7) Where the principal's duties and powers are performed and exercised by a supervisory officer in accordance with section 277.17, the supervisory officer shall act jointly with another supervisory officer under subsection (5).

(8) For the purposes of subsection (7), the other supervisory officer shall be selected in accordance with the policies of the board that employs the first supervisory officer.

120 days should be a minimum.

Delete (5), (6) (7) and (8).

(9) Where a performance appraisal conducted under subsection (3) results in an unsatisfactory rating, the principal shall promptly transmit a recommendation in writing to the board that the teacher's employment with the board should be terminated

(10) A recommendation under subsection (5) or (9) shall be accompanied by,

- (a) written reasons for the recommendation; and
- (b) a copy of the performance appraisal document and copies of all documents relied on in conducting the performance appraisal referred to in subsection 277.36 (1) and any performance appraisals conducted under subsection 277.36 (3) and subsection (3) of this section.

(11) The principal shall promptly provide the teacher with,

- (a) a copy of a recommendation under subsection (5) or (9);
- (b) a copy of the written reasons referred to in clause (10) (a); and
- (c) subject to subsections 277.31 (7) and 277.32 (5), copies of all documents referred to in clause (10) (b).

(12) Pending the board's decision whether to terminate the teacher's employment, the director of education for the board shall,

- (a) suspend the teacher with pay; or
- (b) reassign the teacher to duties that are in the view of the director of education appropriate in the circumstances.

(13) In the case of a school authority that does not have a director of education, the duties under subsection (12) shall be performed by the appropriate supervisory officer

(14) No hearing is required before making a decision under subsection (12) or (13).

**277.39 Board decision**

SQ

<p><b>277.40 Notice to Ontario College of Teachers</b></p> <p>277.40 (1) Where a board terminates a teacher's employment under section 277.39, the secretary of the board shall promptly file a complaint under section 26 of the Ontario College of Teachers Act, 1996, regarding the reasons for the termination.</p> <p>(2) Where a teacher employed by a board resigns while he or she is on review status, the secretary of the board shall promptly file a complaint under section 26 of the Ontario College of Teachers Act, 1996, regarding the reasons for the teacher having been placed on review status.</p> <p>(3) For greater certainty, a complaint made by a secretary of a board under this section shall be deemed to be a complaint made by a member of the public under clause 26 (1) (a) of the Ontario College of Teachers Act, 1996</p>	<p>(1) Should be reworded to "the secretary of the board may notify the College of Teachers under section 43 of the Ontario College of Teachers Act regarding the reasons for termination.</p> <p>(2) Should be reworded so that the secretary of the board may choose to notify the College under section 43.</p> <p>(3) Delete.</p>
<p><b>277.41 Arbitration</b></p> <p>Arbitration under collective agreements</p> <p>277.41 A collective agreement between a board and a designated bargaining agent for a teachers' bargaining unit may provide for the final and binding settlement by arbitration, without stoppage of work, of all differences between the parties arising from the interpretation, application, administration or alleged violation of this Part or any regulation, guideline, rule or policy under it, including any question as to whether a matter is arbitrable. 2001, c. 24, s. 4.</p>	<p>Substitute "must provide" for "may provide".</p>
<p><b>Records of Performance Appraisals</b></p> <p><b>277.42 Board to receive copies of appraisals</b></p>	<p>SQ</p>
<p><b>277.43 Boards to request copies of appraisals</b></p> <p>277.43 (1) A board that is contemplating employing a teacher shall contact the last board that employed the teacher, if any, in order to request,</p>	

<p>(a) copies of the performance appraisal documents that are in the possession of the board that relate to the last two performance appraisals of the teacher conducted by the board, if either of those two appraisals resulted in an unsatisfactory rating;</p> <p>(b) copies of all documents relied on in conducting the last two performance appraisals of the teacher conducted by the board, if either of those two appraisals resulted in an unsatisfactory rating;</p> <p>(c) copies of any documents relating to the termination of the employment of the teacher or to a recommendation for the termination of the employment of the teacher that are in the possession of the board and that, in the opinion of the board, may be relevant to the decision of the requesting board; and</p> <p>(d) copies of any documents relating to resignation by the teacher while on review status that are in the possession of the board and that, in the opinion of the board, may be relevant to the decision of the requesting board.</p> <p>(2) A board that receives a request under subsection (1) shall promptly inform the requesting board whether there are any documents to provide in response to the request and, if so, shall promptly provide the documents.</p> <p>(3) Nothing in this section shall be interpreted to limit rights otherwise available to a board to obtain or give information relating to prospective or past employees.</p>	<p>Delete (b), (c) and (d).</p> <p>The teacher must also be given a copy of what is disclosed.</p>
<b>277.44 Regulations</b>	SQ
<b>277.45 Information</b>	SQ

## ONT. REG. 99/02 – TEACHER PERFORMANCE APPRAISAL

<p><b>Interpretation</b> 1.</p>	SQ
<p><b>Notice of evaluation year</b> 2.</p>	SQ
<p><b>Competencies and rating scale</b></p> <p>3. (1) In conducting a performance appraisal, a principal shall evaluate the teacher's competencies, as set out in the Schedule.</p> <p>(2) The principal shall assign one of the following overall performance ratings to a teacher, based on the results of the performance appraisal:</p> <ol style="list-style-type: none"> <li>1. Exemplary.</li> <li>2. Good.</li> <li>3. Satisfactory.</li> <li>4. Unsatisfactory.</li> </ol>	Use only <i>Satisfactory</i> and <i>Unsatisfactory</i> or equivalent terms.
<p><b>Performance appraisal</b></p> <p>4. (1) A performance appraisal of a teacher must satisfy the following requirements:</p> <ol style="list-style-type: none"> <li>1. The teacher must be evaluated with respect to the areas of competency in section 3 and such other areas of competency as may be provided for by the appropriate board under subsection 277.32 (1) of the Act.</li> <li>2. The performance appraisal must include the steps listed in subsection (2).</li> <li>3. The performance appraisal must be conducted in accordance with such guidelines as the Minister may issue and in accordance with such additional policies, rules, standards, methods, processes, timelines and steps as may be established by the appropriate board</li> </ol>	Delete the ability to add other areas of competency.  Reword to : "The performance appraisal must be conducted in accordance with such guidelines as the Minister may issue and in accordance with the provisions of the applicable collective agreement."
<p>(2) A performance appraisal must include the following steps:</p>	All references to annual learning plans should be deleted in section 4(2).

<p>1. A meeting between the principal and the teacher in preparation for a classroom observation of the teacher and to review the teacher's current learning plan.</p> <p>2. The completion by the principal and teacher of a pre-observation profile in a form approved by the Minister.</p> <p>3. A classroom observation to evaluate the teacher's competencies, including a determination by the principal of whether the teacher has the knowledge and is employing the practices described in the guidelines issued by the Minister under subsection 277.33 (1) of the Act.</p> <p>4. A meeting between the principal and the teacher after the classroom observation,</p> <p style="padding-left: 2em;">i. to review the results of the classroom observation,</p> <p style="padding-left: 2em;">ii. to discuss other information relevant to the principal's evaluation of the teacher's competency, including parental input and pupil input concerning the teacher,</p> <p style="padding-left: 2em;">iii. to complete the post-observation report, in a form approved by the Minister, and</p> <p style="padding-left: 2em;">iv. to finalize the teacher's learning plan for the current year.</p> <p>5. An opportunity for the teacher to review and respond to the principal in respect of the parental input, pupil input or both, within such period of time as the principal considers reasonable in the circumstances.</p> <p>6. Consideration by the principal of any response provided by the teacher under paragraph 5.</p> <p>7. Preparation by the principal of a summative report of the performance appraisal, in a form approved by the Minister, containing,</p>	<p>All references to parental and student input should be deleted.</p> <p>Delete (iii).</p> <p>Delete.</p> <p>Delete.</p> <p>Delete.</p>
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<p>i. the principal's evaluation of the teacher, ii. the principal's overall performance rating of the teacher, and iii. the principal's explanation for the rating.</p> <p>8. Provision to the teacher of a copy of the summative report, signed by the principal, within 20 school days after the classroom observation.</p> <p>9. Signature by the teacher of a copy of the summative report, to acknowledge receipt by the teacher of a copy of the report.</p> <p>10. Provision to the appropriate board of a copy of the summative report, as signed by both the principal and the teacher, and the teacher's learning plan for the year.</p>	<p>Add: (Satisfactory, Unsatisfactory).</p> <p>4 (2) 10 – Delete "and teacher's learning plan for the year".</p>
<p>(3) At the request of either the teacher or the principal, the teacher and principal shall meet to discuss the performance appraisal after the teacher receives a copy of the summative report.</p>	<p>SQ</p>
<p>(4) In this section, "classroom observation" includes the observation of a teacher in his or her ordinary teaching environment if that environment is not a classroom.</p>	<p>SQ</p>
<p><b>Parental and pupil input 5.</b></p>	<p>Delete all of section 5.</p>
<p><b>Performance appraisals if teaching only one semester</b></p> <p>6. If a teacher is teaching in only one semester during a year that is scheduled as an evaluation year of the teacher, all performance appraisals of the teacher required during that evaluation year must be conducted in that semester.</p>	<p>6. Reword to: "If a teacher is teaching in only one semester during a year that is scheduled as an evaluation year of the teacher, a second performance appraisal, if required, must be conducted in the following semester that the teacher teaches,"</p>

<p><b>Periods of time excluded from three-year cycle</b></p> <p>7. (1) For the purposes of section 277.28 of the Act, the three-year cycle of a teacher employed by a board excludes the following periods of time:</p> <ol style="list-style-type: none"> <li>1. A year during which the teacher does not teach at any time in a school governed by the board.</li> <li>2. A period in a year in the three-year cycle that is scheduled as an evaluation year for the teacher if, throughout the period, the teacher is on an extended leave that has been approved by the board.</li> <li>3. A period when the teacher is on secondment to a non-teaching position.</li> <li>4. A period when the teacher is on secondment to a teaching position outside the Ontario public education system.</li> </ol> <p>(2) If a teacher is on an extended leave during all or part of a year that is scheduled as an evaluation year, any performance appraisal that would otherwise be carried out during that period must be conducted within 60 school days after the teacher returns from leave.</p>	<p>Change to a five-year cycle.</p> <p>Change to indicate that if the evaluation year of a teacher coincides with any of the situations outlined in 1 through 4, the evaluation year shall be postponed until the return of the teacher.</p> <p>Delete part (2)</p>
<p><b>Rules, seconded teachers</b></p> <p>8.</p>	<p>Delete all of section 8.</p>
<p><b>Records</b></p>	<p>SQ</p>
<p><b>Schedule</b></p> <p><b>TEACHER COMPETENCIES</b></p> <p><b>Commitment to pupils and pupil learning</b></p> <p>Teachers:</p> <p>(a) demonstrate commitment to the well-being and development of all pupils,</p> <p>(b) are dedicated in their efforts to teach and support pupil learning and achievement,</p> <p>(c) treat all pupils equitably and with respect,</p>	<p>Replace with Durham DSB model:</p> <p><b>Commitment to pupils and pupil learning</b></p> <p>Teachers:</p> <p>a) treat all pupils equitably and with respect</p> <p>b) are dedicated in their efforts to provide an environment that supports pupil learning and achievement</p>



<p>(d) provide an environment for learning that encourages pupils to be problem-solvers, decision-makers, life-long learners and contributing members of a changing society,</p>	
<p><b>Professional Knowledge</b></p> <p>Teachers:</p> <p>(e) know their subject matter, the Ontario curriculum and education-related legislation,</p> <p>(f) know a variety of effective teaching and assessment practices,</p> <p>(g) know a variety of effective classroom management strategies,</p> <p>(h) know how pupils learn and factors that influence pupil learning and achievement,</p>	<p><b>Professional Knowledge</b></p> <p>Teachers:</p> <p>(c) know their subject matter, the Ontario curriculum, and education-related legislation</p> <p>(d) know the factors that affect pupil learning and achievement</p>
<p><b>Teaching Practice</b></p> <p>Teachers:</p> <p>(i) use their professional knowledge and understanding of pupils, curriculum, legislation, teaching practices and classroom management strategies to promote the learning and achievement of their pupils,</p> <p>(j) communicate effectively with pupils, parents and colleagues,</p> <p>(k) conduct ongoing assessment of their pupils' progress, evaluate their achievement and report results to pupils and parents regularly,</p>	<p><b>Teaching Practice</b></p> <p>Teachers:</p> <p>(e) use a variety of effective teaching strategies</p> <p>(f) conduct ongoing assessment of their pupils progress, evaluate their achievement, and report results to pupils and parents regularly</p> <p>(g) use program modifications to meet the varied learning requirements of their pupils</p>

<p>(l) adapt and refine their teaching practices through continuous learning and reflection, using a variety of sources and resources,</p> <p>(m) use appropriate technology in their teaching practices and related professional responsibilities,</p>	<p>(h) use a variety of effective classroom management strategies</p>
<p><b>Leadership and community</b></p> <p>Teachers:</p> <p>(n) collaborate with other teachers and school colleagues to create and sustain learning communities in their classrooms and in their schools,</p> <p>(o) work with other professionals, parents and members of the community to enhance pupil learning, pupil achievement and school programs,</p>	<p><b>Leadership</b></p> <p>Teachers:</p> <p>(i) collaborate with others such as parents, colleagues, other professionals, and members of the community to enhance pupil learning and educational programs</p>
<p><b>Ongoing professional learning</b></p> <p>Teachers:</p> <p>(p) engage in ongoing professional learning and apply it to improve their teaching practices.</p>	<p><b>Ongoing Professional Learning</b></p> <p>Teachers:</p> <p>(j) adapt and refine their teaching practices through ongoing learning and reflection</p>



## Summary of Specific Recommendations

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1. The three-year cycle needs to be changed to a five-year cycle.
2. The four point rating scale should be changed to a two point scale.
3. Only one evaluation should be required for experienced teachers, whether new to a board or in their evaluation year. Additional performance appraisals can be conducted under section 277.30 for teachers experiencing difficulties.
4. Annual learning plans should be teacher-authored, teacher-directed and, except as part of an improvement plan, should not be included in teacher performance appraisal.
5. The competencies and “look for” statements should be revised, and clarified in accordance with proven best practice (see Appendix 2).
6. The regulated schedule of competencies should represent the maximum number available. However, flexibility should be enabled to allow selection from the regulated competencies as appropriate to each situation.
7. The post observation meeting should be retained, but the post-observation form eliminated.
8. The formal collection of parent and student input as part of the legislated teacher performance appraisal regime should be eliminated.
9. Teachers new to the profession should be required to have two appraisals in the first evaluation year. Once they have received two satisfactory appraisals, no additional appraisals should be required of beginning teachers in their second year.
10. Notification to the College of Teachers regarding teachers who resign or are terminated should be dealt with as a notification under section 43 of the Act and not as a complaint under section 26. The only documents required to be shared with future board employers should be the two prior performance appraisals.
11. Timelines following unsatisfactory evaluations should be specified as minimum times.
12. The evaluation procedure for principals and vice-principals (section 287.2 to 287.7) should be enacted, along with related regulations.



# Appendix I

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## Belief Statements Regarding Effective Performance Appraisal Systems

1. The primary purpose of teacher performance appraisal should be improved teaching practice that positively affects the quality of education that students receive.
2. Teacher performance appraisal is a valuable component of teacher professional development and growth.
3. Teacher performance appraisal should take the form of a supervision for growth model.
4. Participants must receive appropriate ongoing training in such areas as professional dialogue (*andragogie*), collaborative leadership, reflective practice and supervision for growth.
5. Improvement is a responsibility shared between the teacher and the employer.
6. The Ministry of Education should provide sufficient targeted funding for the implementation of any teacher performance appraisal system.
7. A parallel performance appraisal process should be implemented for the evaluation of principals, vice-principals and supervisory officers.
8. The expectations for performance should be different at various stages of a teacher's career.
9. Voluntary activities undertaken by teachers should remain outside the scope of teacher performance appraisal.
10. The Standards of Practice should not be converted into a set of competencies for teacher performance appraisal.
11. Teacher performance appraisal should not be linked to student achievement on standardized tests.
12. Teacher performance appraisal should not be used as the basis for teacher compensation.
13. Parent and student surveys are inappropriate in teacher performance appraisal.
14. Teacher performance appraisal procedures should not impose unreasonable additional workload for either the evaluator or the teacher.
15. All teachers have the right to due process including the right to:
  - participate in criteria setting
  - know what criteria and timelines will be used;
  - receive notice and feedback;
  - have the opportunity to improve and receive assistance for improvement;
  - have sufficient time to carry out the required improvement; and
  - access grievance and arbitration processes.

16. Teachers are entitled to federation representation upon request in meetings with the evaluator during the performance appraisal process.
17. Teacher federation members must not be required to evaluate other members.
18. Teacher federations and associations have the right to be involved in both the development of provincial and local teacher performance appraisal policies and their regular review.
19. The OCT Standards of Practice should not be used as a set of competencies for teacher performance appraisal.



## Appendix II

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### **Durham DSB COMPETENCY STATEMENTS**

#### **COMMITMENT TO PUPILS AND PUPIL LEARNING**

**Teachers:**

- treat all pupils equitably and with respect
- are dedicated in their efforts to provide an environment that supports pupil learning and achievement

#### **PROFESSIONAL KNOWLEDGE**

**Teachers:**

- know their subject matter, the Ontario curriculum, and education-related legislation
- know the factors that affect pupil learning and achievement

#### **TEACHING PRACTICE**

**Teachers:**

- use a variety of effective teaching strategies
- conduct ongoing assessment of their pupils' progress, evaluate their achievement, and report results to pupils and parents regularly
- use program modifications to meet the varied learning requirements of their pupils
- use a variety of effective classroom management strategies

#### **LEADERSHIP**

**Teachers:**

- collaborate with others such as parents, colleagues, other professionals, and members of the community to enhance pupil learning and educational programs

#### **ONGOING PROFESSIONAL LEARNING**

**Teachers:**

- adapt and refine their teaching practices through ongoing learning and reflection

