



Ontario
College of
Teachers

Ordre des enseignantes
et des enseignants
de l'Ontario

Bill 48, *The Safe and Supportive Classroom Act, 2018*

Submission by the Ontario College of Teachers to The Standing Committee on Social Policy

Michael Salvatori, OCT, PhD, Chief Executive Officer and Registrar
Richard Lewko, Director of Corporate and Council Services

February 25, 2019



Bill 48, *The Safe and Supportive Classroom Act, 2018*

The Ontario College of Teachers regulates Ontario's teaching profession in the public interest. It has licensed more than 236,000 teachers to work in publicly funded Ontario schools. The College sets ethical and practice standards for teachers and accredits the programs and courses that enable people to become teachers and remain vital and current in their practice. It also enforces Ontario law with respect to matters of professional misconduct, incompetence and fitness to practise involving teachers.

According to the *Education Act*, to be a teacher is to be a member of the Ontario College of Teachers.

The College acts with the highest respect for student safety, for the fair, open, and timely treatment of its members, and in appreciation of the public's right to know about matters that affect Ontario students.

The introduction of Bill 48 - *The Safe and Supportive Classrooms Act, 2018*, substantially affects student safety, teacher skill and knowledge assessment, and governance of the Ontario College of Teachers.

The College welcomes the bill, particularly its direction to expand the terminology around sexual abuse in professional misconduct matters leading to the mandatory revocation of a teaching certificate. The College also strongly supports proposed amendments that would provide for funding for therapy and counselling for alleged victims of teacher sexual abuse. As well, the College offers comment on Bill 48 amendments that would make passing a mathematics content test or equivalent as a condition of certification and potential changes affecting the size, scope and composition of College Council and its committees.

Our observations on governance issues are influenced by a College-commissioned, independent review, which is attached to this submission.

1. Expanding definitions of Sexual Abuse

The College's Council fully supports expanding the definition of sexual abuse that would result in the mandatory revocation of a member's licence.

The bill recognizes an appeal the College made to a Standing Committee of the Ontario Legislature in April of 2018 to make the law clearer and the penalties for sexual misconduct against students tougher.

We asked that other forms of physical sexual relations between a College member and a student other than sexual intercourse or the sexual touching of a student not restricted to an identified body part be included in the legislation. Removing the "grey areas" when it comes to defining sexual abuse and understanding what constitutes professional misconduct better protects students. Bill 48 delivers. And we are grateful.

2. Providing funding for therapy and counselling

The College strongly supports the provision of funding for therapy and counselling for students who are sexually abused by Ontario Certified Teachers.

Children – our most vulnerable citizens – should have what they need to heal from harm done by anyone who has been certified to teach.

Council believes that student victims should be entitled to up to \$15,000 in therapy or counselling services, which is consistent with provisions now in place for other Ontario regulators.

The College is committed to working closely with government representatives to develop the regulations that acknowledge the College's financial risk and to determine how funds can be distributed and costs recovered.

3. Mathematics test as a condition of certification

The College Council believes it should have regulatory authority to impose the proposed mathematics content test as a condition of certification and the authority to deem equivalence. It does not believe the College should develop, fund or implement the test.

Bill 48 outlines the government's intention to require College registrants to pass a math content test before they can be certified to teach. We prefer to work closely with government representatives to establish measures that continue to promote the high standards for entry into the teaching profession and enhance teacher competency in every aspect of the Ontario curriculum.

The teachers who qualify to work in Ontario's publicly funded classrooms meet Ontario's high standards for professional certification. Our College works hard to ensure that Ontario teachers receive initial and ongoing teacher education – the knowledge, skills and understanding – to prepare them to support students in all curriculum areas, including mathematics.

Beyond accrediting programs, the College has developed guidelines for additional qualification courses to enhance and deepen their knowledge and skills in teaching math to students at all levels.

Council firmly believes that the College should not develop, fund, or implement the test proposed in Bill 48. However, the College should have the regulatory authority to impose it as a condition of certification and the authority to deem equivalence.

The College does not want to create additional barriers for people who come to Ontario from other provinces under labour mobility agreements. Nor does it want to discourage internationally educated teachers whose diversity, experience and perspectives enrich learning for all students from applying to work in Ontario.

Furthermore, a precedent has already been set. The Ontario Teacher Qualification Test, introduced in 2002 and repealed in 2006, was neither developed nor administered by the College. We believe that it is not within the College's mandate to develop curriculum or tools to evaluate the proficiency of curriculum delivery.

4. College governance

College Council believes that the results of an independent review it commissioned will benefit any discussion about how the College is governed. Council received the report on December 6th and will consider the 37 recommendations when it meets on February 28, 2019.

Continual self-examination and reflection are operational norms for the College. Periodically, we commission independent, third party reviews to augment our efforts to improve what we do to serve the public interest.

In March, before the government signalled its intention to legislate changes to the College's governance structure, the College hired David A.H. Brown, Executive Vice President of Governance Solutions Inc. to study the size, scope, composition and effectiveness of the College Council and its 14 committees. A copy of his report, including 37 recommendations, has been appended to this document and has been released publicly.

Among many variables, Mr. Brown examined the role of the Council Chair, how people are elected and appointed to serve, how Council committees work, and what length of service is optimal.

Mr. Brown consulted broadly with members of the public and the teaching profession as well as its many stakeholders to inform his recommendations, several of which align with government direction outlined in Bill 48 and which reflect trends in the regulatory environment.

College Council was briefed on the report on December 6, 2018 and will meet again on February 28, 2019 to consider each of the report's recommendations.

As it has in the past – most notably with the 2011 independent review of the College's disciplinary process by former Ontario Justice Patrick LeSage – Council will act on recommendations within its power.

Self-regulation is a privilege. It recognizes the maturity of the profession, honours its unique skills, knowledge and experience, and trusts it to protect students and serve the public interest. The Council of the Ontario College of Teachers fully expects that it will retain the right to operate according to its legislated mandate.

In a survey of Council members subsequent to the introduction of Bill 48, Council members expressed concern about removing the "self" from self-regulation. Ninety-one per cent of the respondents opposed the notion of the government having authority to directly appoint the Chair and determine the duties of that position.

“A regulatory body acts in the public interest and that knowledge of professional standards and practice is considered an asset for a criterion-based skillset for those serving as directors/Council members,” one member said. “Under what perception is the government that the process of a self-governing body electing its Chair from among its peers poses a risk to the public interest?”

The College is heartened by a comment the Minister of Education made during second reading debate on this bill on November 12 when she said:

“We’re also going to allow for the government to respond to the governance review underway by the Ontario College of Teachers. Based on the outcome of the review, we will entertain amendments relating to the Council which could allow the government to introduce changes that could better serve and protect the public interest in regulating Ontario’s teaching profession.”

Conclusion

In conclusion, the College appreciates the opportunity to present a written submission, to supplement its oral presentation to the Standing Committee with respect to Bill 48.

The College supports any changes in legislation that keeps students safe, improves the professionalism of teaching, and ensures efficiency and efficacy in governance.

Further, it wants to work with all parties to make sure these changes best serve all Ontarians.

Should standing committee members or staff supporting the work of the committee require further information or clarification, the following College staff would be pleased to assist:

Michael Salvatori OCT, PhD
Chief Executive Officer and Registrar
Ontario College of Teachers

Richard Lewko
Director of Corporate and Council Services
Ontario College of Teachers