

## Council Decision Note

Item:	Statutory and Regulatory Amendment Process
Public Interest Rationale:	<p>The written protocol (see attached) outlines the general steps for all future amendments to the Ontario College of Teachers Act, 1996 “the Act” (statutory amendment) and the regulations made under the Act (regulatory amendment).</p> <p>The formalized protocol provides for consistency, transparency, and accountability in decision-making, and supports the College in meeting its public protection mandate.</p>
Strategic Alignment:	The protocol is in alignment with the College’s strategic goal of having a clear and independent role in the education system.
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### Issue

Council is provided with a protocol that serves as a single point of reference to articulate the necessary steps in the statutory and regulatory amendment process. The protocol will also serve as a tool to train new staff and council members about their roles and responsibilities in this process.

### Background

The Act sets out the legislative foundation upon which the College is created and mandates how it will regulate the teaching profession. Several regulations are made under the Act, which provide critical operational requirements for how the College mandate is to be implemented.

The current process for making legislative and regulatory amendments involves several steps such as policy development, analysis of information, drafting and developing amendments, and seeking Council approvals. It also involves various levels of engagement such as consultation with a wide range of stakeholders.

### Rationale

A written protocol that outlines the roles and responsibilities of staff and Council will formalize the amendment process that has been in use at the College.

The protocol:

- (1) provides a clear, consistent, and transparent approach for requesting statutory or making regulatory amendments.
- (2) prevents delays in the implementation of public protection legislative provisions.



- (3) Aligns with the College's strategic goal of having a clear and independent role in the education system as it clearly distinguishes the College's role in amending its governing legislation and regulations from that of other educational partners.

### **Risks and Mitigating Factors**

Having a written protocol:

- involves no risks,
- provides a consistent framework,
- promotes transparency and accountability,
- avoids delays in the implementation of public protection provisions.

### **Equity, Diversity, and Inclusion (EDI) Impact**

The consultation process included in the protocol will enable the College to engage with a wide range of relevant external parties and provide an opportunity to identify and address any EDI concerns posed by any proposed amendment.

### **Recommendation**

This is provided to Council for information only, no decision is sought.

College staff will continue to utilize the protocol and will incorporate it into staff and Council training.

**Attachment 1****STATUTORY AND REGULATORY AMENDMENT PROTOCOL****A. GENERAL****1. Issue Identification**

- (a) An amendment to the *Ontario College of Teachers Act, 1996* or its regulations may be proposed in a variety of ways, including via Council, committee, external partners or College staff.
- (b) Once an amendment has been proposed, College staff researches the relevant policy issues, which may involve:
  - (i) Confirming the issue is in accordance with the College's mandate and governing legislation.
  - (ii) Conducting jurisdictional and environmental scans to review the position of other regulatory bodies in Ontario and other provinces.
  - (iii) Reviewing relevant legal issues internally and with legal counsel.

**2. Consultations**

- (a) College staff conducts internal and external consultations, which may involve:
  - (i) Obtaining and reviewing input from relevant departments of the College.
  - (ii) Identifying any operational issues.
  - (iii) Forming working group(s) with internal or external participants.
  - (iv) Sending out surveys to external partners
  - (v) Obtaining and reviewing feedback from external partners.
  - (vi) Identifying and assessing risk.
  - (vii) Obtaining and reviewing input from College committees when the amendments impact their work.
- (b) The external partners the College may consult with include, but are not limited to:
  - (i) School Boards
  - (ii) Faculties of Education
  - (iii) Principal, Supervisory Officer and Director Organizations
  - (iv) Ontario Teachers' Federation and its affiliates
  - (v) Indigenous Communities
  - (vi) Language Associations
  - (vii) Ministry of Education
  - (viii) Subject Associations
  - (ix) Professional Regulators

**3. Analysis and Drafting**

College staff analyses the information received and develops a Briefing Note for Council to review outlining the proposed amendment to the *Ontario College of Teachers Act* (statutory amendment) and/or amendment to the Regulations made under the *Act* (regulatory amendment).

#### **4. Council Consideration**

- (a) College staff provide the Briefing Note to Council setting out the proposed amendment for Council's review and approval.
- (b) If Council approves, a letter, co-signed by the Chair of Council and Registrar of the College, is sent to the Minister of Education outlining the proposed amendment.

#### **5. Amendment Development**

College staff will meet with Ministry of Education staff to provide context for the Council recommendation and work together to develop the language of the amendment. The Office of Legislative Counsel prepares the final wording of the proposed amendment.

### **B. REGULATORY AMENDMENT (Council-made regulations)**

#### **6. Council Approval of Regulation**

- (a) After the wording of the proposed amendment has been finalized at clause 5 above, Council receives the sealed regulation and is briefed on the alignment of the draft regulatory amendment with the original Council direction (in clause 4b above) via a concordance chart.
- (b) If Council approves the draft regulatory amendment, the Chair of Council and Registrar sign the sealed regulation.

#### **7. Minister and Cabinet Approval of Regulation**

- (a) After the sealed regulation is co-signed by the Chair of Council and the Registrar, the Minister of Education signs the sealed regulation to recommend approval to Cabinet.
- (b) Thereafter, the regulation is submitted to the Legislation and Regulations Committee for review and then to Cabinet for approval. Once approved by Cabinet, it is signed by the Lieutenant Governor.

#### **8. Filing and Publication of Regulation**

- (a) The regulation containing the amendment is then filed with the Registrar of Regulations.
- (b) The regulation is then published on the e-laws website and in the Ontario Gazette.

### **C. STATUTORY AMENDMENT**

#### **9. First Reading**

After the wording of the proposed statutory amendment has been finalized at clause 5 above (Council would be briefed if the finalized language is different from that which was approved by them) the proposed statutory amendment is introduced as a Bill to

the Legislative Assembly of Ontario for a first reading, where the purpose of the Bill is explained.

#### **10. Second Reading and Third Reading**

(a) The Bill is carried on second reading, where it is debated in principle and considered by the appropriate Standing Committee. The College may choose to make submissions before the Standing Committee.

(c) The Bill will then be carried on for a third reading, which is the final stage of a Bill's consideration.

#### **11. Royal Assent**

The Bill receives Royal Assent (i.e. the Lieutenant Governor as representative of the Sovereign agrees to the Bill) and comes into force immediately or at a later date (specified in the Act or by proclamation).

### **D. IMPLEMENTATION AND MONITORING OF AMENDMENT**

#### **12. Implementation of Regulatory and Statutory Amendment**

(a) College staff prepare for implementation which may involve:

- (i) Reviewing and amending internal processes.
- (ii) Developing implementation memos for external partners.
- (iii) Holding information sessions with external partners.
- (iv) Publishing on the College website.

(b) Once the regulation is filed and published, or the Bill receives Royal Assent and comes into force, College staff will inform Council and external partners, with expectations related to when and how the new amendment takes effect. This would be informed by clause 12(a) above.

#### **13. Monitoring Adherence and Measuring Outcomes**

Adherence to the new amendment is monitored and outcomes are measured to determine the success of the new amendment. Council may identify any areas for further monitoring.

#### **14. Flow Chart**

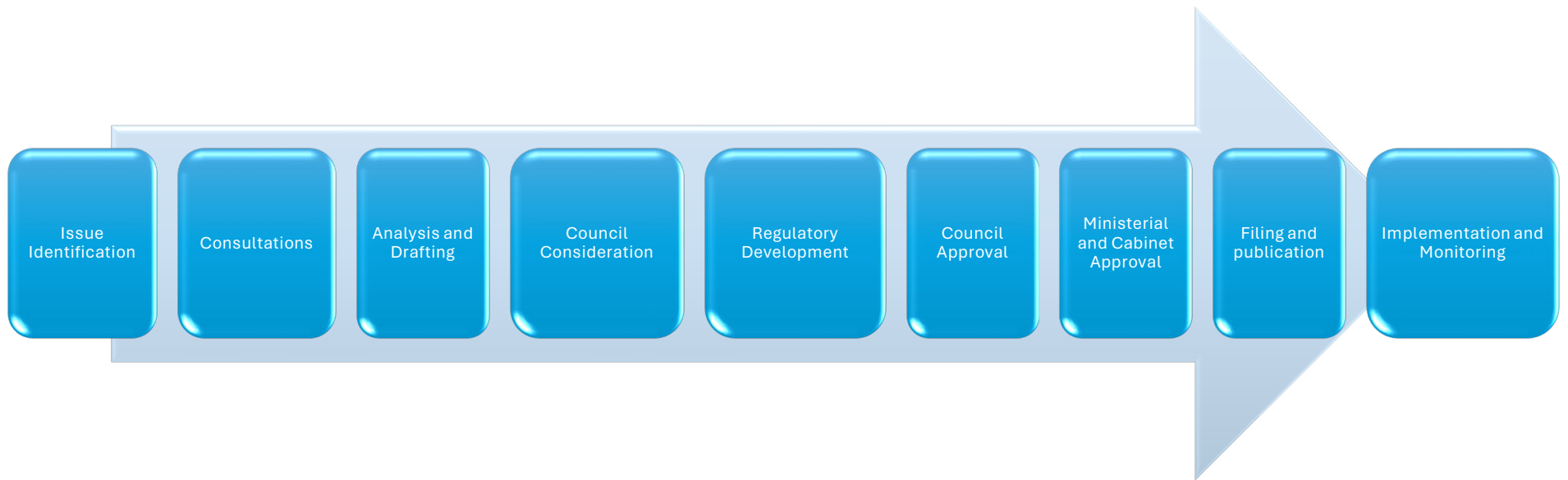
Appendices 1 and 2 provide a visual representation of the steps involved in the regulatory and statutory amendment process.

### **E. AMENDMENT OF THIS PROTOCOL**

15. This protocol outlines the general steps for regulatory and statutory amendments and may be adapted as appropriate.

*Appendix 1*

*Flowchart of Regulatory Amendment*



*Appendix 2*

*Flowchart of Statutory Amendment*

