



Setting the Standard for Great Teaching  
Fixer la norme pour un enseignement de qualité

September 6, 2019

The Honourable Stephen Lecce  
Minister of Education  
438 University Avenue  
5<sup>th</sup> Floor  
Toronto ON M7A 2A5

Dear Minister Lecce,

Thank you for the opportunity to meet with you on Tuesday, September 3, 2019 to discuss a number of matters associated with the ongoing work of the Ontario College of Teachers.

As a follow-up to that meeting, we are writing to summarize a number of legislative and regulatory matters that are critical to the College's ability to serve Ontario in the public interest.

I. Enabling College Governance

As mentioned during our meeting, the College requires further amendments to the Ontario College of Teachers Act (OCTA) to enable the recommendations of our Governance review and the subsequent motions adopted by Council.

As currently written, section 4.(2) of the OCTA requires an election for the members of Council from the profession. A process that may involve an election, selection or a hybrid model would be precluded from occurring.

Secondly, the College seeks to establish statutory and regulatory committees composed of individuals other than Council members. This is not currently possible with the existing wording in section 15(4) the Act which requires that statutory committees be composed of elected and appointed members of Council. In addition to that legislative amendment, there is wording in Ontario Regulation 72/97 and 347/02 that will also require updated to reflect this recommendation.

II. Amendments to the OCTA

Over the years, the College's Council has approved a number of recommended changes to our governing legislation as well as regulations made under the Act. These non-governance

related changes are necessary for the College to carry out its mandate of protecting the public interest and have been passed on to your predecessors and the Ministry of Education.

We have attached a consolidated list of those change requests as an appendix to this letter, however six of the proposed amendments are considered critical to our needs and they are:

**1) Professional Designation (Right to Title)**

At its September 25, 2008 meeting, Council passed the following motion to enshrine the College's professional designation in the Act through provisions setting out who can use it and penalties for misuse:

That Council request the Minister of Education make the following amendments to the Ontario College of Teachers Act:

Use of designation

14(1.1) An individual shall not use the designation "Ontario Certified Teacher" or the French title "Enseignante agréée de l'Ontario" and "title "Enseignant agréé de l'Ontario" or an abbreviation of any of those designations, unless he or she is a member of the College in good standing.

Offence: engaged in practice, use of designation, etc.

51.1(1) Every person who contravenes subsection 14(1.1) is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 for a first offence and not more than \$5,000 for a subsequent offence.

**2) Stay Pending Appeal**

At its September 29, 2016 meeting, Council passed the following motion to request that a requirement proposed in a Bill, and that is now part of the Act. That Discipline Committee orders apply with immediate effect, regardless of an appeal, when the case involves sexual abuse or child pornography be extended to make any order immediately effective whenever a certificate is revoked for any reason:

"That Council recommend that the Minister of Education amend Bill 37 to provide for Discipline Committee decisions to take immediate effect in any cases where a certificate of qualification and registration is revoked.

### **3) Medical Assessments**

At its December 1, 2016 meeting, Council has passed the following motion to provide the Investigation Committee with the authority to order medical assessments of a member's fitness to practice in order to support the Investigation Committee's role of investigating and referring complaints:

"That Council request the Minister to amend the OCTA to provide the Investigation Committee with the authority to order a medical assessment of a member's fitness to practise in order to support the Investigation Committee's role of investigating and referring complaints".

### **4) Accreditation Condition Compliance**

At its June 1, 2018 meeting, Council passed the following motion to allow the Accreditation Committee to ensure compliance with conditions placed upon the accreditation of teacher education programs:

That Council approve the proposed amendments to the Accreditation Regulation outlined in the document titled "Compliance - Program of Professional Education Accredited With Conditions" GC20180607-40, Attachment 2.

### **5) Union/Association Positions (LeSage Report Recommendation 49)**

At its April 4, 2013 meeting, Council passed the following motion in response to a recommendation contained in a 2012 report prepared by the Honourable Justice Patrick LeSage, which called for members of the College's Investigation, Discipline and Fitness to Practise Committees to be prohibited from holding any elected or appointed union/association positions during their tenure on those committees:

That Council incorporate the intent of Recommendation 49 in principle and recommend to the Minister of Education the following:

- that the restrictions be applied to all Council members,
- that the College's Regulations be amended so that the restrictions be applied to all Council members effective July 1, 2015,
- that additional prohibited positions for appointed and elected positions with federations or professional associations include positions directly related to the protection of the profession, other than at the school level.

This change would require amendments to the Act, Regulation 72/97 (General), Regulation 293/00 (Election of Council Members), and Regulation 345/96 (Appointments to Council).

## 6) Caucus Meetings (LeSage Report Recommendation 48)

At its June 7, 2012 meeting, Council passed the following motion to act on a recommendation from the 2012 report of the Honourable Justice Patrick LeSage to prohibit members of the Investigation, Discipline and Fitness to Practise Committees from attending caucus meetings, which are held between elected Council members and their unions/associations when the Council agenda is discussed:

That Council recommend to the Minister of Education that the Council member oath/affirmation of office contained in section 4.1.(1) of O. Reg. 72/97 be amended to provide that, "that members of the Investigation, Discipline and Fitness to Practise Committee be prohibited from attending the caucus meetings, which are held between Council members and their unions/associations when the Council agenda is discussed".

Finally, the Council of the College is required by legislation to meet with the Minister of Education on an annual basis. Council's last meeting with a Minister occurred on March 1, 2018. The College Council would welcome the opportunity to meet with you when it is in session. Future meeting dates include December 5 & 6, 2019, March 5-6, 2020, June 4-5, 2020 and October 1-2, 2020. Please have a member of your staff contact Richard Lewko at the College to confirm your availability.

We look forward to working with you.

Sincerely,



Nicole van Woudenberg, OCT  
Chair of Council



Michael Salvatori, OCT  
Chief Executive Officer and Registrar

MS/NW/pol

### Appendix

- Letter to Minister Thompson with complete list of Council requested amendments to the OCTA and regulations made under the Act. (GC20181108-85)
- Number of AQs taken by members by subject

## Number of AQs awarded in Math

Count of Aqs AQ	Year		
	2018	2019	Grand Total
Honour Specialist	92	47	139
Mathematics, Grades 7 and 8	196	137	333
Mathematics, Primary and Junior, Part 1	2461	1292	3753
Mathematics, Primary and Junior, Part 1 (Equiv)	1	2	3
Mathematics, Primary and Junior, Part 2	968	519	1487
Mathematics, Primary and Junior, Part 2 (Equiv)		1	1
Mathematics, Primary and Junior, Specialist	681	371	1052
Mathématiques - 7e et 8e année	5	3	8
Mathématiques (cycles primaire et moyen), partie 1	12	13	25
<b>Grand Total</b>	<b>4416</b>	<b>2385</b>	<b>6801</b>

## Top 10 AQs, including FSL

2018		2019	
Mathematics, Primary and Junior, Part 1	2461	Special Education, Part 1	2240
Teaching English Language Learners, Part 1	1826	Mathematics, Primary and Junior, Part 1	1292
Special Education, Part 2	1596	Teaching English Language Learners, Part 1	1235
Kindergarten, Part 1	1450	Special Education, Part 2	1217
Religious Education in Catholic Schools, Part 1	1303	Religious Education in Catholic Schools, Part 1	1031
Special Education, Specialist	1183	Special Education, Specialist	977
Principal's Qualification, Part 1	1086	Reading, Part 1	774
Guidance and Career Education, Part 1	1032	Principal's Qualification, Part 2	668
Mathematics, Primary and Junior, Part 2	968	Guidance and Career Education, Part 1	613
Honour Specialist	924	Principal's Qualification, Part 1	520
...		...	
French as a Second Language, Part 1	631	French as a Second Language, Part 1	408
French as a Second Language, Specialist	308	French as a Second Language, Part 2	278
French as a Second Language, Part 2	290	French as a Second Language, Specialist	173
French as a Second Language, Part 1 (Equiv)	1	French as a Second Language, Part 1 (Equiv)	4





September 18, 2018

The Honourable Lisa Thompson  
Minister of Education  
22<sup>nd</sup> Floor, Mowat Block  
900 Bay Street  
Toronto ON M7A 1L2

Dear Minister Thompson,

**Re: Legislative and Regulatory Amendments**

We would like to congratulate you again on your appointment as Minister of Education and look forward to working with you in supporting and improving the education system in Ontario.

The Council of the Ontario College of Teachers has approved a number of recommended changes to its governing legislation: the *Ontario College of Teachers Act* (the Act) and it has also approved changes to the Act's regulations. These requested changes are necessary for the College to carry out its mandate of protecting the public interest and have been passed on to your predecessors and the Ministry of Education.

We are writing to provide a consolidated list of these critical changes that had previously been communicated and seek to work with you to develop the necessary legislative amendments for their implementation.

***Ontario College of Teachers Act Amendments***

**1. Professional Designation (Right to Title)**

At its September 25, 2008 meeting, Council passed the following motion to enshrine the College's professional designation in the Act through provisions setting out who can use it and penalties for misuse:

**That Council request the Minister of Education make the following amendments to the *Ontario College of Teachers Act*:**

**2. Use of designation**

**14(1.1) An individual shall not use the designation "Ontario Certified Teacher" or the French title "Enseignante agréée de l'Ontario" and "title "Enseignant agréé de l'Ontario" or an abbreviation of any of those designations, unless he or she is a member of the College in good standing.**

**Offence: engaged in practice, use of designation, etc.**

**51.1(1) Every person who contravenes subsection 14(1.1) is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 for a first offence and not more than \$5,000 for a subsequent offence.**

**3. Council Member Term Limit**

At its September 29-30, 2016 meeting, Council passed the following motion to clarify that all Council Members can only serve six consecutive years on Council, unless there are exceptional circumstances as defined in regulation:

**That Council request that the Minister of Education amend the *Ontario College of Teachers Act, 1996* by amending the following section as follows:**

**5. (2) Multiple Terms – A person may be a Council member for six consecutive years except as permitted by regulation in exceptional circumstances.**

**4. Union/Association Positions (LeSage Report Recommendation 49)**

At its April 4-5, 2013 meeting, Council passed the following motion in response to a recommendation contained in a 2012 report prepared by the Honourable Justice Patrick LeSage, which called for members of the College's Investigation, Discipline and Fitness to Practise Committees to be prohibited from holding any elected or appointed union/association positions during their tenure on those committees:

**That Council incorporate the intent of Recommendation 49 in principle and recommend to the Minister of Education the following:**

- **that the restrictions be applied to all Council members**
- **that the College's Regulations be amended so that the restrictions be applied to all Council members effective July 1, 2015**
- **that additional prohibited positions for appointed and elected positions with federations or professional associations include positions directly related to the protection of the profession, other than at the school level**

This change would require amendments to the Act, Regulation 72/97 (General), Regulation 293/00 (Election of Council Members), and Regulation 345/96 (Appointments to Council).

#### **5. Inactive/Non-Practicing Member Status**

At its June 6-7, 2012 meeting, Council passed the following motion to replace the "suspended non-payment of fees" member status terminology in the Act to "inactive/non-practising".

**That Council recommend to the Minister of Education that the *Ontario College of Teachers Act* be amended to add the following additional section 24.1 to read:**

**Inactive/non-practising: failure to pay annual membership fee**

**24.1 (1) The Registrar may deem a member's certificate of qualification and registration to be inactive/non-practising for failure to pay the annual membership fee as prescribed in the bylaws.**

**(2) The Registrar shall not deem a member's certificate of qualification and registration to be inactive/non-practising without first giving the member two-months notice of the**



default and intention to change the member's status to inactive.

(3) A person whose certificate of qualification and registration was deemed inactive/non-practising by the Registrar under subsection (1) is entitled to have the status of inactive/non-practising removed on payment of the annual membership fee.

That Council recommend to the Minister of Education that section 6 of the Ontario College of Teachers Act be amended by the addition of the words "or inactive/non-practising" to read as follows:

**Qualifications to vote**

6. (1) Subject to the regulations, every member of the College who is in good standing is entitled to vote at an election of members of the Council.

**Good standing**

(2) A member is in good standing for the purposes of this section if,

(a) the member is not in default of payment of a membership fee prescribed by the by-laws; and

(b) the member's certificate of qualification and registration is not suspended or inactive/non-practising.

That Council recommend to the Minister of Education that the words "or deemed inactive/non-practising" be added to the text of section 22. (3) of O. Reg. 298 – Operation of Schools – General and the word "inactive/non-practising" be added to the title of the section to read as follows:

**Cancelled, Revoked, Suspended or Inactive/non-practising Certificates**

Consequential amendments would also be required to Regulation 298/90 (Operation of Schools) of the *Education Act*:

22. (3) A person whose teaching certificate is cancelled, revoked, suspended, or deemed inactive/non-practising shall not be appointed as a teacher.

## **6. Panel Composition**

At its October 15, 2013 meeting, Council passed the following motion to allow for enhanced flexibility in establishing panels for the College's statutory committees:

**That Council recommend to the Minister of Education that section 17 (2) paragraphs 2, 3 and 4 of the Ontario College of Teachers Act be amended by substitution to read as follows:**

### **Panels**

**(2) The powers and duties of a committee mentioned in paragraph 2, 3, 4 or 5 of subsection 15 (1) may be exercised by a panel that satisfies the following rules:**

- 1. The panel must consist of at least three persons.**
- 2. The panel must include at least one elected member of the committee or if none are available a present elected member of Council on the Roster established under subsection (3) followed alternatively by a previously elected member of Council, from the Roster.**
- 3. The panel must consist of at least one member of the public drawn from the Committee who is appointed to Council under clause 4(2) (a) or if none are available a present appointed member of Council on the Roster established under subsection (3) followed alternatively by a previously appointed member of Council, from the Roster.**
- 4. The panel must include at least one member of the committee who was elected to the Council under clause 4(2)(a) or appointed to the Council under clause 4(2) (b).**

## **7. Reduction of Nominators**

At its June 3-4, 2010 meeting, Council passed the following motion to allow for a member to run in the election with only two nominators instead of the currently required 10 nominators:

**That Council approve an amendment to section 10(3) of Regulation 293/00, *Election of Council Members/Règlement de l'Ontario 293/00 Élection des membres du conseil* to reduce the minimum number of nominators required for candidacy from 10 to "at least 2"**

#### **8. Posting and Public Availability of Discipline Decisions**

At its September 29-30, 2016 meeting, Council passed the following motion to address a requirement that was proposed in a Bill, and that is now part of the Act, to remove Discipline Committee decisions from the College's website where a corresponding notation of the decision has been removed from a member's public register page.

**That Council recommend that the Minister of Education amend Bill 37 to ensure that a copy of all discipline decisions from hearings held in public be available to the public.**

#### **9. Removing Notations in Withdrawals and Not Guilty Findings**

At its September 29-30, 2016 meeting, Council passed the following motion to address a requirement that was proposed in a Bill, and that is now part of the Act, to post notations of all Discipline Committee decisions on the public register, including those where the member has been found not guilty of professional misconduct, not to be incompetent or the notice of hearing has been withdrawn for insufficient evidence:

**That Council recommend that the Minister of Education amend Bill 37 so that in cases where the allegations have been withdrawn, and where the member has been found not guilty of professional misconduct or not to be incompetent, a notation on the public register would not be linked to the College's decision database on the website.**

#### **10. Stay Pending Appeal**

At its September 29-30, 2016 meeting, Council passed the following motion to request that a requirement proposed in a Bill, and that is now part of the Act, that Discipline Committee orders apply with immediate effect, regardless of an appeal, when the case involves sexual abuse or



child pornography be extended to make any order immediately effective whenever a certificate is revoked for any reason:

**That Council recommend that the Minister of Education amend Bill 37 to provide for Discipline Committee decisions to take immediate effect in any cases where a certificate of qualification and registration is revoked**

#### **11. Definition of “Spouse”**

At its September 29-30, 2016 meeting, Council passed the following motion to delete a requirement proposed in a Bill, that is now part of the Act, that provides that a “student” does not include the member’s spouse for the purposes of the definitions of “sexual abuse” and “sexual misconduct”:

**That Council recommend that the Minister of Education amend Bill 37 by deleting the spousal exemption**

#### **12. School Board as a Complainant**

At its September 29-30, 2016 meeting, Council passed the following motion to delete a requirement proposed in a Bill, and that is now part of the Act, that provides that employers are deemed to be complainants:

**That Council recommend that the Minister of Education amend Bill 37 by deleting the proposed statutory amendment s.43.3.1 (b) where the employer is deemed to be a complainant**

#### **13. Medical Assessments**

At its December 1-2, 2016 meeting, Council has passed the following motion to provide the Investigation Committee with the authority to order medical assessments of a member’s fitness to practice in order to support the Investigation Committee’s role of investigating and referring complaints:

**“That Council request the Minister to amend the OCTA to provide the Investigation Committee with the authority to order a medical assessment of a member’s fitness to practise in**



**order to support the Investigation Committee's role of investigating and referring complaints"**

These amendments have been made to the Act, but are not yet in force. The College seeks an update on when these amendments will be proclaimed by the Lieutenant Governor in Council.

**14. Mandatory Revocation – Prescribed Sexual Abuse**

Under section 30.2 of the Act, the Discipline Committee must order revocation of a certificate and a reprimand if the member is found to have committed a prescribed type of sexual abuse or an act of child pornography. As in the *Regulated Health Professions Act*, the Act also provides the Lieutenant Governor-in-Council with the regulation-making authority to add certain conduct of a sexual nature to the prescribed offences that would mandate revocation and a reprimand and the College seeks an update as to whether the Minister seeks to add to the list of prescribed types of sexual abuse.

**Regulatory Amendments**

**15. Caucus Meetings (LeSage Report Recommendation 48)**

At its June 7-8, 2012 meeting, Council passed the following motion to act on a recommendation from the 2012 report of the Honourable Justice Patrick LeSage to prohibit members of the Investigation, Discipline and Fitness to Practise Committees from attending caucus meetings, which are held between elected Council members and their unions/associations when the Council agenda is discussed:

**That Council recommend to the Minister of Education that the Council member oath/affirmation of office contained in section 4.1.(1) of O. Reg. 72/97 be amended to provide that, "that members of the Investigation, Discipline and Fitness to Practise Committee be prohibited from attending the caucus meetings, which are held between Council members and their unions/associations when the Council agenda is discussed**

## **16. Previously Held Certification**

At its June 8-9, 2017 meeting, Council passed the following motion to provide a certification route for applicants from other provinces/territories who have lost certification in their original jurisdiction solely due to non-payment of fees:

**That Council recommend to the Minister of Education that Regulation 176/10 be amended to allow for the application of certification of labour mobility applicants who were certified by a teacher regulatory authority inside Canada, as outlined in the document titled “Labour Mobility Applicants – Requirement to Hold Certification”**

## **17. Technological Qualifications on Certificate**

At its September 28-29, 2017 meeting, Council passed the following motion to allow technological education teachers to have their qualifications, such as diplomas and work experience, appear on their certificates (and the public register):

**That Council recommend to the Minister of Education that the College’s Teachers’ Qualifications Regulation be amended by addition in Section 1 and Section 19 (1) in order to reflect initial technological qualifications on a certificate of qualification and registration.**

## **18. Accreditation Regulation – Housekeeping Amendments**

At its June 1, 2018 meeting, Council passed the following motion to make housekeeping changes to its Accreditation Regulation (Regulation 347/02):

**That Council approve the proposed amendments to the Accreditation Regulation outlined in the document titled “Regulation 347/02: Accreditation of Teacher Education Programs – Proposed Amendments” GC20180607-40, Attachment 1.**

## **19. Accreditation Condition Compliance**

At its June 1, 2018 meeting, Council passed the following motion to allow the Accreditation Committee to ensure compliance with conditions placed upon the accreditation of teacher education programs:

**That Council approve the proposed amendments to the Accreditation Regulation outlined in the document titled “Compliance – Program of Professional Education Accredited with Conditions” GC20180607-40, Attachment 2.**

## **20. Additional Qualification Changes**

After extensive consultations with the public and education stakeholders, Council approved changes to Additional Qualifications, as set out below.

At its March 1, 2018 meeting, Council passed the following motions:

**That Council recommend to the Minister of Education that:**

- the name of the *Classroom Management*, Additional Qualification course be changed to *The Learning Environment* in Schedule C of the *Teachers’ Qualifications Regulation*
- the name of the *Inclusive Classroom*, Additional Qualification course be changed to *Equitable and Inclusive Schools* in Schedule C of the *Teachers’ Qualifications Regulation*
- the French name of the *Health and Physical Education*, Grades 7 and 8/ *Santé et éducation physique – 7e et 8e année* Additional Qualification Course be changed to *Éducation Physique et Santé– 7e et 8e année* in Schedule C of the *Teachers’ Qualifications Regulation* to align with the title of the French curriculum guideline
- the French name of the *Pre-School Education for Children who are Deaf or Hard of Hearing/ Éducation préscolaire des élèves sourds ou malentendants* Additional Qualification



**Course be changed to *Éducation préscolaire: Qualification additionnelle en surdité* in Schedule C of the *Teachers' Qualifications Regulation***

- **the name of the *Supporting First Nations, Métis and Inuit Students: Guidance and Counselling*, Additional Qualification course be changed to *First Nations, Métis and Inuit Students: Counselling and Support* in Schedule D of the *Teachers' Qualifications Regulation***
- **the French name of the *Teaching Students who are Deaf or Hard of Hearing/ Enseigner aux élèves Sourds ou Malentendants* Additional Qualification Program be changed to *Qualification additionnelle en surdité* in the *Teachers' Qualifications Regulation***
- **a *Supervisory Officer's Development Course* Additional Qualification be added to the *Teachers' Qualifications Regulation***
- **a new *Teaching Students with Communication Needs (Autism Spectrum Disorders)* Additional Qualification course be enacted in Schedule D of the *Teachers' Qualifications Regulation***
- **the *Teaching Students with Communication Needs (Autism Spectrum Disorders)* Additional Qualification course be revoked in Schedule C of the *Teachers' Qualifications Regulation***

At its June 1, 2018 meeting, Council passed the following motions:

**That Council recommend to the Minister of Education that:**

1. **the following Additional Qualifications be revoked in O. Reg. 176/10, *Teachers' Qualifications Regulation*:**
  - ***Teaching Students Who Are Deaf or Hard of Hearing - American Sign Language (ASL)***



- *Teaching Students Who Are Deaf or Hard of Hearing - Langue des signes québécoise (LSQ)*
- *Teaching Students Who Are Deaf or Hard of Hearing - Aural and Oral Communication*

2. **an Additional Qualification entitled, *Teaching Students who are Deaf or Hard of Hearing Program* be enacted within O. Reg. 176/10, Teachers' Qualifications Regulation**

The College looks forward to working on the amendments with Ministry officials in the near future.

Sincerely,



Nicole van Woudenberg, OCT  
Chair of Council

NW/MS/SR/pol



Michael Salvatori, OCT  
Chief Executive Officer and Registrar