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Date: November 6, 2020 at 5:41:33 PM EST
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Subject: Amendments to regulations under the Ontario College of Teachers Act, 1996 (OCTA) and proposed legislative changes

Memorandum To: Nicole van Woudenberg
Chair of Council

Chantal Bélisle
Deputy Registrar

From: Nancy Naylor
Deputy Minister

Subject: Amendments to regulations under the *Ontario College of Teachers Act, 1996 (OCTA)* and proposed legislative changes

I am writing to inform you that on October 30, 2020, the Lieutenant Governor in Council made an Order in Council to proclaim various sections of the *Ontario College of Teachers Act, 1996 (OCTA)* into force and on November 5, 2020, the government filed regulations under the OCTA. These changes will help to ensure Ontario's schools are safe learning environments that support the health and well-being of our students and allow the Ontario College of Teachers (the College) to include technological qualifications on a member's certificate of qualification and registration.

The government also introduced legislation on November 5, 2020 that, if passed, would modernize the College's governance structure and establish additional measures to help safeguard students later this fall.

Safeguarding Students

As noted above, Ontario has put in place new regulations under the OCTA that will help ensure schools are safe learning environments that support the health and well-being of students.

In addition, existing provisions in the OCTA have been proclaimed to allow the College to require a member to undergo a physical or mental examination if there are reasonable and probable grounds to believe the member is incapacitated and to order the member's certificate to be suspended until they submit to the examination. A new

regulation under the OCTA prescribes a minimum 14-day time period for a member to make written submissions in respect of an order to suspend their certificate.

Additionally, building on the commitments made in the government's July equity announcement, Ontario Regulation 437/97 (Professional Misconduct) has been amended to explicitly set out remarks and behaviours that expose persons to hatred based on a prohibited ground of discrimination under the *Human Rights Code* as acts of professional misconduct. These changes have been made to help break down barriers for Black, Indigenous and racialized students and provide all students with the opportunity to succeed.

The government has zero tolerance for sexual abuse. That is why the government also made a new regulation that prescribes prohibited acts of a sexual nature under the *Criminal Code* (Canada) that lead to mandatory revocation of a member's certificate of qualification and registration with the College.

In addition to the regulations described above, the government also introduced legislation that would, if passed, establish stronger sanctions for teachers who commit prohibited sexual acts and offences against students.

These proposed amendments would ensure that no teacher who has been found guilty by the Discipline Committee of an act of sexual abuse (excluding behaviour or remarks of a sexual nature), child pornography, or certain criminal sexual offences would be able to practise the profession in Ontario's publicly funded schools.

Further, members would be required to notify the College when they are charged with or found guilty of an offence and the College would be required to establish a sexual abuse prevention program to educate members on appropriate conduct with students.

To increase transparency and accessibility, all decisions made by the College's Discipline Committee, including decisions that led to reprimands and admonishments, would remain publicly available on the College's register and website permanently.

Technological Qualifications

Part of the government's plan to modernize Ontario's education system includes empowering school boards to hire the best teacher for the job. This includes recognizing the range of professional experiences and qualifications that they bring to the classroom.

That is why Ontario Regulation 176/10 (Teachers' Qualifications) has been amended, to allow the College to place the technological qualifications on a member's certificate of qualification and registration, which will result in those qualifications appearing on the public register. This will also help improve transparency about a teacher's qualifications.

Ontario College of Teachers Governance

The government is proposing statutory amendments to respond to the College's 2019 recommendations for changes to its governance structure based on the College's 2018 independent governance review. The proposed amendments also build on initial amendments made to the OCTA by Bill 48, the *Safe and Supportive Classrooms Act, 2019*.

The government has made high quality teaching and learning a priority as part of its plan to improve the services that the people of Ontario rely on the most. This requires a new and robust model of professional regulation for the College that will maintain public trust, improve regulatory standards, and strengthen protections for students.

The proposed amendments to the College's governance structure would, if passed, create a smaller Council, composed of equal numbers of members of the profession and the public, with a mandate focused solely on corporate governance and strategic oversight of teacher regulation in the public interest. Committees making teacher misconduct, registration, and accreditation decisions would be separate from Council.

Council and committee members would be selected based on the specific competencies needed to do the job and on prescribed criteria for geographic, linguistic, Indigenous and system representation. The selection process would include measures to avoid conflict of interest and a staggered appointments schedule to provide both stability and flexibility in Council and committee composition.

To ensure continuity and the effective functioning of the College during the transition from the current Council to the new Council, a Transition Supervisory Officer would be appointed to assume responsibility and duties of Council and for implementing the new structure.

The proposed legislative changes are subject to the approval of the Legislature.

The regulations will be available on e-laws at <https://www.ontario.ca/laws/statute/96o12>. The proposed legislative amendments are available on the [Ontario Legislative Assembly website](#).

The Ministry of Education will also offer a technical briefing on a date to be communicated later.

I encourage you to provide comments and suggestions on the proposed bill as the legislative process gets underway.

I am confident that this approach will help modernize and strengthen the regulation of the teaching profession by the College.

Thank you,

Nancy Naylor
Deputy Minister

c: Yael Ginsler, Assistant Deputy Minister
Student Achievement Division, EDU

Phil Graham, Assistant Deputy Minister
Early Years and Child Care Division, EDU