



Ministry Meeting on March 2, 2010 Regarding Regulation 298

To: District/Bargaining Unit Presidents
From: Ken Coran, President

For Information

On March 2, 2010, the Ministry of Education brought in stakeholders to share with them further information about the Regulation changes resulting from the Ontario Labour Mobility Act (OLMA), and the Agreement on Internal Trade (AIT). Representatives at the meeting included all four affiliates, OTF, the Ontario Principals Council (OPC), the Council of Ontario Directors of Education (CODE), and the Ontario College of Teachers, as well as Franco-Ontarian Principals' Council (ADFO).

AIT Update

- Three provinces, Manitoba, BC and Ontario, so far have chosen to introduce legislation around labour mobility.
- Six provinces have indicated that they have 'legitimate objectives' (in other words "exceptions") pertaining to certain regulated professions, but none of those pertain to teaching.
- Ontario appears to be farther along in the process than the other provinces.
- The Ministry of Education is very conscious that boards are getting into their spring staffing processes and so this update is meant to share the directions the Ministry is taking as it prepares the revisions to regulation 298.

Regulation 184/97

- This is a Regulation under the College of Teachers Act, and so belongs to the College but the OCT and the Ministry are working closely on the "modernization" of this Regulation at the same time as the revisions are being made as result of OLMA.
- The College has already approved several changes as a result of labour mobility that will be part of the reframed Regulation 184:
 - There will only be two kinds of teaching certificates (as opposed to the seven at present).
 - There will be no requirement for 194 days of 'successful teaching' to get a permanent certificate.
 - Making changes related to certification for teacher candidates in multi-session teacher education programs.
 - Updating the work experience requirements for technological education teachers.
- The College has already implemented the new certification process for teachers applying under OMLA, but there is no change to how the teacher's credentials are evaluated. That remains the same it has always been for both Ontario-trained and out-of-province teachers. All teachers will still have information on their Certificate of Qualification identifying which divisions and subject areas they are qualified to teach. These determinations are based on the methodology courses that they took in their teacher education program.



- The College hopes to be able to bring the reframed Regulation 184/97 to the March 25-26 meeting of the OCT Governing Council.

Regulation 298

- The proposed revisions (and therefore teaching assignments) are based on three key elements:
 1. Student safety and well-being
 2. Best program provision
 3. Teachers' qualifications
- In addition, there will be two **new** grandparenting provisions:
 - Teachers who hold qualifications in Computer Studies in general studies **prior to September 1, 2010** may teach Computer Technology in technological education.
 - Teachers who have completed 2 years of successful teaching of locally-developed courses related to Green Industries **prior to September 1, 2010** may teach Green Industries in technological education.
 - Teachers who hold qualifications in technological education and in guidance may teach guidance in general education. (In other words, there is no requirement that the tech teacher hold a degree in this case. The current Regulation had left that open to the interpretation of the board.)
- Grandparenting clauses that are currently in Regulation 298 will continue to apply.
- In some circumstances, a teacher may be assigned to a subject or position for which he or she does not have the qualifications. In this case, **depending on the specific subject** or position, this can be done through:
 - Mutual agreement
 - Temporary Letter of Approval (TLA)

Mutual Agreement

Teaching assignment by mutual agreement may be done to enable:

- a teacher with PJ, or JI, or IS qualifications, and who has a degree, to be assigned to teach in a division or general studies subject not on his/her CofQ (no change)
- a technological education teacher to be assigned to teach any other technological education subject (at present, there is a restriction on teaching grade 11 or 12 technological education).

Temporary Letters of Approval (TLAs)

- Boards will be required to apply for a Temporary Letter of Approval in the following types of situations (not an exhaustive list):
 - For a teacher without technological education qualifications to be assigned to teach in technological education (no change)
 - For a teacher without general studies qualifications (ie PJ, JI or IS) and without a degree to be assigned to teach general studies (**new**)
 - For a teacher without Special Education qualifications to be assigned to Special Education (no change)
 - For a teacher without French as a Second language qualifications to be assigned to be assigned to teach any form of French as a Second Language—core, immersion or extended. (no change)
- In addition, at present, the Ontario College of Teachers handles TLAs. Once the new Regulations are implemented, the Ministry of Education will be assuming responsibility for this process. The Director or

designated supervisory officer will apply to the Minister of Education for a TLA under circumstances such as described above. The Director will have to attest that:

- it is necessary to assign a teacher to a subject or position for which the teacher does not hold the required qualifications;
 - the teacher holds a certificate of qualification and registration
 - the teacher is considered competent to hold the position
- We have been assured that, similar to the Letter of Permission process, boards will have to share TLA information with district staffing committees. In addition, boards will be able to request TLAs for teachers who have been unable to get the necessary qualification (for example, because the AQ has not been offered or run). Although TLAs will be issued for one year at a time, there will be more leeway for subsequent years; the College was far more strict about issuing TLAs for more than one year in a row. This is not to say, however, that teachers should not bother to try to get the qualifications they need to teach courses to which they want to be assigned.

Other information

- Overall, the Ministry emphasized over and over again that the intent is that teachers still be assigned, as is now the case, on the basis of their qualifications and that removing many of the restrictions currently in Regulation 298 is NOT meant to allow a free-for-all in terms of teaching assignments. They expect boards to follow their collective agreements and to show common sense. They absolutely do not intend for these Regulation changes to spur wholesale disruption in staffing, or of teachers' timetables.
- Furthermore, if the collective agreement references Regulation 298, then that means Regulation 298 as it was at the time of negotiations.
- The ministry is also preparing:
 - a Policy and Program Memorandum to provide school boards with more detailed information on the TLA application process,
 - a resource document to assist school boards in assigning teachers:
 - to support assignment decisions based on qualifications while taking into account a wide range of possible circumstances
 - to provide effective practices on matching the right teachers with the right positions.
- The information in the Levin memo (May 20, 2009) and the Anthony memo (June 12, 2009) will continue to apply, and will be incorporated into either the new Regulation or the supporting PPM or guidelines, as appropriate.
- The Ministry heard very clearly from the affiliate representatives that there are staffing issues around such things as punitive administrators using the timetable as a means to get rid of teachers they don't want, declining enrolment, and especially around timetabling for technological teachers without a degree.
- We have not seen actual proposed wording of the regulation but the messages that we have been getting throughout the updates we have been getting on labour mobility have been consistent. Where items have been added to the information, they are generally ones that we have been asking for (for example, grandparenting provisions for Computer Studies teachers). It is clear that they are seriously considering our concerns and advice as they move forward.

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