

Ontario Regulation 274

Final Report

Submitted To:

Demetra Saldaris

Director, Teaching Policy and Standards Branch
Ministry of Education
900 Bay Street
Toronto, ON

Submitted By:

Directions Evidence and Policy Research Group, LLP

510 West Hastings Street, Suite #803
Vancouver, BC, Canada, V6B 1L8

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Executive Summary

Regulation 274

As part of the agreement reached with the Ontario English Catholic Teachers' Association (OECTA), the Ontario Ministry of Education established a minimum standard for the process of hiring teachers through a Memorandum of Understanding. This agreement was reached without the participation of the Ontario Catholic School Trustees Association. In September 2012 through Ontario Regulation 274/12, the government sought to establish fair, transparent, and consistent hiring practices consistent with the government's goals of student achievement and well-being. The Putting Students First Act (Bill 115)¹ extended the terms and conditions of the OECTA agreement across the other sectors of the publicly funded education system. The new practices were applied across all boards, and included the establishment of a long-term occasional list, minimum job posting periods and opportunities for interview debriefings for unsuccessful interviewees. The Regulation represented a big change to boards' autonomy and to the processes that most were using. School boards and their associations were deeply offended that the changes represented by Regulation 274 had not involved any consultation or discussion with the employers or other unions.

The establishment of Regulation 274 occurred in a complex context affected by many factors, including the overall supply and distribution of entrants to the profession and those seeking work as K-12 teachers, demographic change (declining or increasing student enrolment), geography, provisions of collective agreements, relationships between the union and the board, relationships between bargaining units within the same board, and the regulations regarding teachers and teaching.

The Regulation stipulates that a Board must organize its roster of occasional teachers ("tableau des enseignants suppléants") according to their seniority with the board, defined in the Regulation as time since the date of hire. The Regulation requires that a Board establish and maintain a long-term occasional teachers list ("liste des enseignants suppléants à long terme"). If a teacher on the board's roster of occasional teachers has taught at least 20 days during a 10-month period within the five years² immediately preceding the day the application is submitted, that teacher shall be interviewed and may be placed on the long-term occasional teachers list if recommended by the person or panel conducting the interview.

¹ Bill 115 was subsequently repealed, and agreements were reached with the other provincial teachers' unions.

² Two amendments to the Regulation were made in May 2013: one provided for the 20 days of occasional teaching to occur in any 10-month period within the previous five years (to allow for leaves); the second provided that the school board **shall** interview for the long-term occasional list those with this experience who apply.

Regulation 274 stipulates that a board may not interview or make an offer to any person to fill a long-term assignment or permanent teaching position unless a notice of the position has been posted on the board's website for a least five weekdays. Unless a board is party to a written agreement with a bargaining unit governing the provision of a teaching position to supernumerary teachers whose positions with the board have been declared redundant, the board must interview the five most senior, qualified applicants from its long-term list who have completed a long-term assignment in the board of not less than four months duration without having been judged as unsatisfactory and must offer the position to one of them.

For most boards, this was a new and restrictive process. There was a small number of boards whose collective agreements required them to post long term assignments and permanent positions to their occasional teacher list and to take the most senior qualified applicant. These boards told us that Regulation 274 was an improvement.

Regulation 274 also accords to candidates who, following an interview, have not been placed on the long-term occasional teachers list or appointed or assigned to a long-term assignment or permanent position the right to meet with the person or panel conducting the interview to discuss his or her performance during the interview, measures that s/he might take to enhance professional qualifications and other ways of increasing the chance of "being successful in a similar interview in the future."

The Task

In early October 2013, Directions Evidence and Policy Research Group, LLP (Directions) was engaged by the Ministry of Education to conduct a two-phase study of effective practices, challenges, positive and negative outcomes associated with the implementation of O. Reg. 274/12 as seen by the school boards and teachers' federations. Directions was asked to carry out its responsibilities with due consideration to government's core priorities of increasing student achievement, reducing gaps in student achievement, and increasing the public's confidence in publicly-funded education.

The objective of Phase I was to determine if there were improvements that could be made to the Regulation that would have broad support across the provincial board associations and unions. During this phase, Directions held two sets of meetings with provincial education organizations (school board associations, teachers' federations, principals and supervisory officers' associations). The first round of meetings was to hear about issues, ideas and specific suggestions for improvement; the second round was to test some ideas for improvement with the associations. No consensus was reached among the parties during the second round of meetings with the provincial associations. Discussants were cautious about expressing their views, cognizant that their preferred changes were unlikely to be the same as those of other

organizations. In such an atmosphere, it was difficult to discern specific preferences and, thus, to obtain consensus among the parties about changes to which all might agree.

The objective of Phase II was to ascertain the state of implementation of Regulation 274 in the 72 school boards. To that end, Directions conducted a fact-finding study on the impact of the Regulation's implementation in school boards across the province by conducting semi-structured telephone interviews with representatives of the 72 school boards and representatives of local teacher unions.

Ascertaining the strength, prevalence, frequency or representativeness of findings or themes was challenging for several reasons. First, although respondents were provided with the interview questions in advance, respondents varied in terms of the precision of the answers they were able to provide. The variation is in part attributable to the fact that the interviews occurred during initial implementation of the Regulation when, as a consequence of the public attention devoted to the issue, there was uncertainty about whether the Regulation would be withdrawn. Another source of the variation was the fact that the organizations that respondents represented varied in the degree to which they recorded data requested. For example, board representatives said that they did not collect information about the number of short-term absences that extended to become long-term absences.

A second challenge to ascertaining the strength, prevalence, frequency or representativeness of findings or themes was the absence of standard metrics for making such judgments. We mention single instances of a phenomenon when doing so illuminates something that, in our judgment, requires careful consideration. In doing so, we take into account the size of the board and/or whether the occurrence is anomalous.

A third challenge was that the process relied on the perceptions of the respondents without the ability for independent verification of the assertions made or information provided. Interviews – even ones that seek specific information such as the number of short-term absences – are prone to elicit anecdotal responses.

Aspects of Regulation 274 that are achieving the intended outcomes of transparency, fairness, consistency and accountability in hiring practices

Most union representatives said that, where Regulation 274 has been fully implemented, it has increased transparency, fairness, consistency and accountability in the hiring process. In such cases, notices of vacant positions have been posted to enable all eligible teachers to determine whether they wish to make application; the criteria by which applicants were judged were made clear to them in advance of the interviews; the interview process was conducted with procedural fairness; unsuccessful applicants were informed and provided with feedback

through debriefing that affords them the opportunity to improve; and school boards routinely provide unions with the information necessary for them to safeguard the interests of their members. Some board side interviewees indicated that because of the Regulation, some occasional teachers who had previously been overlooked were now being interviewed and employed.

Aspects of Regulation 274 that are presenting challenges to successful implementation or to the achievement of the intended outcomes

Regulation 274 was a catalyst for illuminating pre-existing problems in the hiring and assignment of teachers. The implementation of Regulation 274 imposed upon boards that did not already have such mechanisms the necessity of creating and revising a list of long term occasional teachers, posting vacancies, establishing procedures and conducting interviews to determine eligibility for such a list, and debriefing unsuccessful applicants. For example, in many boards the only “lists” that existed prior to the Regulation were the employer’s list of those who were considered eligible to be assigned occasional work, and the union’s membership list. Only some boards had seniority lists for occasional teaching.

At the time of our investigation, Regulation 274 had been in place for slightly more than a year, and by the time of our interviews with the boards and unions, the amendments had been in place for just over 7 months. The Regulation did not provide for or contemplate a transition period during which such mechanisms might be developed. As a consequence, a number of boards incurred administrative and financial costs that were unanticipated. Boards varied widely in the efficiency of the choices made about implementation: some chose simple and streamlined solutions, others elaborate and even cumbersome approaches.

Regulation 274 restricted the discretion of boards and their agents by requiring adherence to the procedures stipulated. While it was acknowledged that hiring practices in some boards might be unfair and lack transparency and consistency, the necessity of having such a regulation affecting all boards was questioned by the boards.

The Phase II interview process illuminated the uneven and inconsistent application of human resource procedures across and sometimes within boards. While some boards had highly evolved systems for managing their human resources, deficiencies identified included the absence of evaluation of daily occasional teachers, the failure to post assignments, the selective use of screening criteria, untimely and limited feedback to unsuccessful applicants, and reluctance to disclose information that would enable union representatives to carry out their responsibilities to their members under the Ontario Labour Relations Act. Many boards applied criteria to the selection of applicants for the long-term occasional teachers list that produced

too few teachers to meet the board's demands, allowing a board to go to its roster of occasional teachers to fill long-term absences.

Effective practices associated with Regulation 274 that have been developed by school boards and teaching federations

Some school boards and teachers' federations/associations developed effective practices that have facilitated the implementation of Regulation 274. Although some practices had been established prior to the promulgation of Regulation 274, others were developed in response to the Regulation. For example, with regard to the establishment of the long-term occasional list, a number of boards:

- circulated or posted vacancies in a manner that ensured that all who might be interested and eligible would see and be able to respond to the posting;
- informed applicants of the process that would be followed and the criteria that would be employed to select candidates for the long term occasional list;
- conducted interviews for a number of vacancies or potential vacancies at the same time rather than conducting separate and sequential interviews for each vacancy;
- maintained a list of pre-screened and pre-interviewed applicants for long term occasional positions, allowing these individuals to be assigned to those positions without further interview, if they applied, were qualified, and among the five most senior.
- afforded unsuccessful applicants the opportunity in a timely manner to hear from the interviewer or a member of the interview panel about the applicant's performance during the interview, with recommendations for improvement;

Unintended consequences or unanticipated outcomes of the Regulation and its implementation

The unions said that although unintended, individuals who were not selected for the long term occasional teachers list were deeply discouraged – especially when they had previously completed long term assignments without negative reports or feedback – and believed they were stigmatized in the eyes of their peers and their employers. Both board and union representatives described how a poor interview defeated applicants whose prior performance in a long term classroom assignment had been acceptable. Moreover, being eliminated from the long term occasional teachers list denied them the opportunity to show improvement and demonstrate their capabilities in a longer assignment.

Regulations are intended to bring order to areas in which inconsistency and disorder are evident. Regulation 274 has not fully reached this objective. Multiple, inconsistent, and erroneous interpretations of Regulation 274 and discrepancies in the relationship between collective agreements and the Regulation were evident throughout the consultation and interview processes with both board and union representatives. Practice based on the previous collective agreement language appears to deviate substantially from the implied but not specified intentions of the Regulation. For example, collective agreement language that says that no long term assignment will be posted that is not known in advance permits a board to avoid posting positions of considerable length that become known to be long-term shortly after they have begun, despite the language of the Regulation requiring posting.

The Regulation itself addresses only occasional teachers and redundant permanent teachers whose collective agreement provides them access to recall or long-term assignment. Another unintended consequence of Regulation 274 is that it excludes from consideration teachers of adult and continuing education credit employed (often full-time) as teachers by the school board because they have not worked 20 days in ten months as an occasional teacher. Similarly, in some boards the rights of a part-time teacher to be considered for an increase in FTE status are constrained if the teacher is not on the occasional teacher roster or long-term occasional list.

Differences among the French Catholic, French Public, English Catholic and English Public Boards

For the French language boards, the challenges of geography (large distances across the board and between schools) are universal. The French boards reported many more difficulties in finding qualified teachers, whether from the LTO list, the occasional teacher roster or externally. In French boards with a larger geographic centre, the central community might have fewer difficulties, but adequately staffing the outlying schools remains an issue. In these circumstances, a single LTO list becomes less meaningful and there is a higher likelihood that, for a more remote community, there will be no qualified applicants. Three or four small Northern English boards face similar challenges.

Although the LTO list is a less effective mechanism in these boards, ensuring that opportunities are posted and occasional teachers have the knowledge and opportunity to apply are issues in all sectors.

Key findings

- Ontario school boards were unaware that Regulation 274 was to become provincial policy prior to its announcement and, thus, largely unprepared for its implementation.
- There was no provision of support for the implementation of Regulation 274.
- There was general acknowledgement that fairness and transparency in hiring were desirable.
- Many Ontario school boards were concerned about the loss of their autonomy to determine their own hiring practices.
- Implementation of the Regulation varied widely across the 72 school boards in such areas as the processes for being placed on long term occasional list, the practices regarding posting of long term occasional positions, the length of the long-term occasional list relative to the permanent teaching population and the frequency with which the long term occasional list was refreshed.
- Some boards appear to have sought and found workarounds to permit them to reduce or avoid the requirements of Regulation 274 to post and fill from the long term occasional list.
- The future employment of occasional teachers was not top-of-mind for most boards before the Regulation.
- Many (maybe most) boards have not previously seen an orderly path to permanent teaching with occasional teaching as the normal or primary point of entry to the profession.
- There appeared to be some reluctance to employ individuals who have been occasional teachers for many years and individuals who come to teaching later in life.
- The issues giving rise to Regulation 274 and the implementation challenges faced by unions and boards were substantially similar across all sectors (French Catholic, French public, English Catholic and English public).
- Implementation issues were compounded by a lack of resources and guidance from the Ministry of Education to school boards, and by the conflict (as evidenced by grievances in the early stages) between unions eager to see the Regulation implemented and Boards that questioned the necessity of the Regulation.
- Most occasional teachers are not evaluated, making assessment for long-term and permanent assignments more challenging.
- Processes for hiring teachers to permanent positions or being placed on the LTO list rely on interviews and references and rarely, if ever, involve direct observation of the teacher instructing students, except for the new evaluation process for those in assignments of more than four months who are on the LTO list.

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- Regulation 274 was developed to specifically address the employment process for occasional teachers to become permanent teachers, but failed to take into consideration the impact of the Regulation on other teachers employed by the board, including redundant teachers (where the collective agreement doesn't provide for recall), teachers of adult education credit courses, and, in some instances, part time permanent teachers seeking to increase their full-time-equivalency.
- There were no instances that the Regulation's application resulted in a teacher being employed in a position for which he/she was not qualified. There were a few instances where none of the most senior, qualified applicants who had applied for a permanent or long-term occasional position met the board's requirements; those individuals were not hired.
- A reluctance to share information with the unions on the part of some boards and an extremely literal interpretation of the Regulation's requirements by some union locals have exacerbated the problems of implementation of the Regulation.
- There is no commonly understood guideline to determine when a long term assignment should be posted. The Regulation does not define a long term assignment, resulting in a default to the local collective agreement definition of long term that is used to determine when an occasional teacher is paid on scale, or to some other interpretation based on pre-Regulation 274 practices or of collective agreements.
- Boards and unions expressed widespread concern regarding the lack of mobility for permanent teachers who wish to move from one board to another.
- While concern about continuity of instruction appears to be an issue in some boards, some school boards have developed practices that minimize the number of teachers that may be assigned to a single classroom.

Ontario's Mission Statement for education commits it to the success and well-being of all students and to the cultivation and continuous development of the teaching profession. (<http://www.edu.gov.on.ca/eng/about/excellent.html>). The Province has committed to removing barriers that may "impede fair practice with respect to hiring, mentoring, promotion, and succession planning" (Realizing the Promise of Diversity, 2009) and to being guided by two principles:

- that hiring decisions should be made without reference to the personal interests of those making the decision and without reference to the grounds protected under the Ontario Human Rights Act - unless expressly permitted as a consequence of legislation or court decision, and

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- that any assignment or appointment of a person to a teaching position shall be made with due regard for the provision of the best possible program and the safety and well-being of pupils.

Full achievement of these commitments cannot occur if the pathway to employment as a teacher remains ambiguous. Nor can the province meet its commitment to students if teachers are not selected on the basis of abilities that are demonstrably connected to student achievement. Thus, consideration might prudently be given to greater fairness and transparency in hiring and to encourage a focus on the selection of teachers who based upon the demonstrable performance are most likely to contribute to student achievement.

Context

In September 2012, as part of the agreement reached with the Ontario English Catholic Teachers' Association (OECTA), the Ontario Ministry of Education established a minimum standard for the process of hiring teachers through a Memorandum of Understanding. Subsequently, through legislation and by means of Ontario Regulation 274/12, the government sought to establish fair and consistent hiring practices across all boards, including the establishment of a long-term occasional list, minimum job posting periods and opportunities for interview de-briefings for unsuccessful interviewees. The changes were made to enhance transparency and accountability in the hiring of teachers. The Putting Students First Act (Bill 115)³ extended the terms and conditions of the OECTA agreement across the other sectors of the publicly funded education system. The new practices were applied across all boards, and included the establishment of a long-term occasional list, minimum job posting periods and opportunities for interview debriefings for unsuccessful interviewees. School boards and their associations were deeply offended that the changes represented by Regulation 274 had not involved any consultation or discussion with the employers or other unions. The Regulation represented a big change to boards' autonomy and to the processes that most were using.

Prior to the establishment of the Regulation, occasional or substitute teaching was seen as distinct from regular teaching, and often viewed simply as casual employment by the school boards. Until occasional teaching was made the responsibility of the teachers' unions under the Ontario Labour Relations Act in 1998, not all teachers' unions represented occasional teachers. A small number of boards had collective agreements that established a list of occasional teachers eligible for long term assignments, or specified that occasional teachers should be considered for long term assignments. A number of boards were able to employ teachers in long term (occasional) assignments without the requirement that these teachers be on the existing occasional teacher list. Only rarely was there a requirement in the collective agreement that new permanent teaching positions be filled from the occasional roster.

OECTA was motivated in bargaining to achieve the hiring process specified in the MOU by the belief that teachers who had worked for a school board as occasional and even long-term occasional teachers were being overlooked for permanent employment.

³ Bill 115 was subsequently repealed, and agreements were reached with the other provincial teachers' unions.

What Regulation 274 attempts to accomplish

The Education Act defines an occasional teacher as follows:

Occasional teacher

(1.1) For the purposes of this Act, a teacher is an occasional teacher if he or she is employed by a board to teach as a substitute for a teacher or temporary teacher who is or was employed by the board in a position that is part of its regular teaching staff including continuing education teachers but,

(a) if the teacher substitutes for a teacher who has died during a school year, the teacher's employment as the substitute for him or her shall not extend past the end of the school year in which the death occurred; and

(b) if the teacher substitutes for a teacher who is absent from his or her duties for a temporary period, the teacher's employment as the substitute for him or her shall not extend past the end of the second school year after his or her absence begins. R.S.O. 1990, c. E.2, s. 1 (1.2). (See: 1997, c. 31, s. 1 (4).)

Regulation 274 establishes what is intended to be a fair and transparent process for the consideration of occasional teachers interested in undertaking long term occasional assignments or applying for permanent teaching positions. The Regulation was intended to provide a framework for progressing from casual or daily occasional teaching to long term assignments and ultimately to permanent employment. The Regulation establishes that there be a "roster of occasional teachers" ("tableau des enseignants suppléants") and "long-term occasional teachers list" ("liste des enseignants suppléants à long terme") for the purpose of later reference in the Regulation.

In many boards the only "lists" that existed prior to the Regulation were the employer's list of those who were considered eligible to be assigned occasional work, and the union's membership list. Only some boards had seniority lists for occasional teaching.

The Regulation stipulates that a Board must organize its roster of occasional teachers according to their seniority with the board. The Regulation requires that a Board establish and maintain a long-term occasional teachers list (LTOL). If a teacher on the board's roster of occasional teachers has taught no fewer than 20 days during the 10-month period prior to the day that the teacher makes application to be on the long-term list or during a 10-month period within the five years immediately preceding the day the application is submitted, that teacher shall be

interviewed and placed on the long-term occasional teachers list, if recommended by the person or panel conducting the interview.

Regulation 274 stipulates that a board may not interview or make an offer to any person to fill a long-term assignment or permanent teaching position unless a notice of the position has been posted on the board's website for a least five weekdays. Unless a board is party to a written agreement with a bargaining unit governing the provision of a teaching position to supernumerary teachers whose positions with the board have been declared redundant, the board must interview the five most senior, qualified teachers from its long-term list who have completed a long-term assignment in the board of not less than four months duration without having been judged as unsatisfactory who has made application for the position and must offer the position to one of them.

The Regulation makes no reference to other teachers in the board's employ, except to reference collective agreement provisions for the placement of redundant teachers. The rights of part-time permanent teachers seeking to increase their full-time equivalent status or of teachers of credit courses to adults who are seeking permanent employment status are not addressed by the Regulation.

Regulation 274 also accords rights to candidates who, following an interview, have not been placed on the long-term occasional teachers list or appointed or assigned to a long-term assignment or permanent position. The unsuccessful candidate is entitled to meet with the person or panel conducting the interview to discuss his or her performance during the interview, measures that s/he might take to enhance professional qualifications and other ways of increasing the chance of being successful in a similar interview in the future.

Project Description and Overview

The Task

Directions Evidence and Policy Research Group, LLP. (Directions) was engaged by the Ministry of Education to conduct a two-phase study of effective practices, challenges, positive and negative outcomes associated with the implementation of O. Reg. 274/12 as seen by the school boards and teachers' federations. Directions was asked to carry out its responsibilities with due consideration to government's core priorities of increasing student achievement, reducing gaps in student achievement, and increasing the public's confidence in publicly-funded education.

Phase I was intended to identify what appetite there might be across the provincial and employer and teacher organizations for some immediate improvements to the Regulation. During this phase, Directions held two rounds of meetings with provincial education organizations (school board associations, teachers' federations, principals and supervisory officers' associations). The first was to hear about issues, ideas and specific suggestions for improvement; the second was to test some ideas for improvement with the associations. The list of organizations and associations that Directions met with is appended to this report. These meetings varied in their format according to the wishes of the individual organization. In some instances the Directions team met with the President and Executive Director or General Secretary, in others the meetings included additional staff or elected officials. Ruth Baumann and Charles Ungerleider met with all of the organizations; Laurent Joncas joined the Directions team for the meetings with the French organizations.

In the second phase (Phase II), Directions conducted a fact-finding study on the Regulation's implementation in school boards across the province by interviewing representatives of the 72 school boards and representatives of local teacher unions. These were semi-structured telephone interviews conducted by Charles Ungerleider and Ruth Baumann for all English language boards and unions and by Laurent Joncas and Ruth Baumann for all French language boards and unions. The questions that guided the interviews were provided to boards and unions in advance, as part of the Minister's invitation to participate.

Guiding Principles

Directions was asked also to take into account the government's commitment to removing barriers that may "impede fair practice with respect to hiring, mentoring, promotion, and succession planning" (Realizing the Promise of Diversity, 2009) and to be guided by two principles:

- that hiring decisions should be made without reference to the personal interests of those making the decision and without reference to the grounds protected under the Ontario Human Rights Act - unless expressly permitted as a consequence of legislation or court decision, and
- that any assignment or appointment of a person to a teaching position shall be made with due regard for the provision of the best possible program and the safety and well-being of pupils as required by Regulation 298.

Fairness and attention to diversity are important parts of removing barriers and creating open and understandable processes. They are business as well as moral imperatives. Employees who see fairness and transparency in employment decisions – who understand the criteria for

selection, how these are applied and who have the opportunity to present their best – are more likely to feel commitment and loyalty to the shared enterprise. In education, diversity should be a school board-wide issue and objective, supported by policies, established practices and accountability mechanisms rather than a school level responsibility since it is the board rather than the school that is the employer. An employer that seeks information from its employees and prospective employees about their diversity is likely to be seen as committed and accountable to diversity objectives, and will have the information to act on those objectives.

Objectives

Directions was specifically asked to identify:

- Aspects of Regulation 274 that are achieving the intended outcomes of transparency, fairness, consistency and accountability in hiring practices;
- Aspects of Regulation 274 that are presenting challenges to successful implementation or to the achievement of the intended outcomes;
- Effective practices associated with Regulation 274 that have been developed by school boards and teaching federations;
- Unintended consequences or unanticipated outcomes of the Regulation and its implementation; and
- Changes that might be made to Regulation 274 or to its implementation that would address identified challenges or unintended consequences.

Phase I Consultations

Phase I – Round One Meetings

During Phase I of the project, *Directions* met⁴ with representatives of the following organizations:

- Association des directions et directions adjointes des écoles franco-ontariennes
- Association des enseignantes et des enseignants franco-ontariens
- Association Franco-ontarienne des conseils scolaires catholiques

⁴ These meetings occurred between October 16 and December 18, 2013.

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- Catholic Principals' Council of Ontario
- Council of Ontario Directors of Education
- Council of Senior Human Resources Officials
- Elementary Teachers' Federation of Ontario
- Association des conseils scolaires des écoles publiques de l'Ontario
- Ontario Catholic School Trustees' Association
- Ontario English Catholic Teachers' Association
- Ontario Principals' Council
- Ontario Catholic Supervisory Officers' Association
- Ontario Public School Boards' Association
- Ontario Public Supervisory Officials' Association
- Ontario Secondary School Teachers' Federation

The meetings were typically attended by several individuals representing the organization and were typically conversational in nature. Participants were invited to share their perceptions of the Regulation and its implementation. A number of organizations worked from what appeared to be prepared texts that they sometimes shared with the Directions team. Directions asked clarifying questions and sought evidence of the claims made. Answers were typically anecdotal and illustrative. The organizations appeared to have elicited from their members an enumeration of the implementation challenges and illustrative examples of those challenges without regard to the frequency with which the challenge was perceived to have occurred. Because of this, the Directions team was cautious about drawing strong conclusions. A number of the challenges perceived or encountered were consequences of the interpretations or choices made in the implementation of the Regulation rather than a product of the Regulation itself. For example, organizations representing school boards spoke of the onerous nature of the interviewing process required by the regulation. As a consequence of the interviews conducted during phase II, *Directions* discovered that what was asserted to have been universal among boards was more varied than first appeared.

Aspects that are achieving the intended outcomes

The union side stated that where Regulation 274 has been fully implemented, it has increased transparency, fairness, consistency and accountability in the hiring process. In these cases the following has occurred:

- Notices of vacant positions have been posted to enable all eligible teachers to determine whether they wish to make application;
- The criteria by which applicants were judged were made clear to them in advance of the interviews;
- All applicants for the same position were asked the same questions by a panel of interviewers. Candidates who were not selected for a position were informed and provided with feedback through debriefing that allows them to change, develop and improve.

Effective practices

We heard that some school boards and teachers' federations/associations have developed effective practices that have facilitated the implementation of Regulation 274. Some of these practices had been established prior to the promulgation of Regulation 274 but others were developed in response to the Regulation. With regard to the establishment of the long-term occasional list, *Directions* was informed that in a few boards:

- vacancies were circulated or posted in a manner that ensured that all who might be interested and eligible would see and be able to respond to the posting;
- applicants were informed of the process that would be followed and the criteria that would be employed to select candidates for the long term occasional list;
- unsuccessful candidates were afforded the opportunity in a timely manner to hear from the interviewer or a member of the interview panel about the applicant's performance during the interview, with recommendations for improvement;
- interviews were conducted for a number of vacancies or potential vacancies at the same time rather than conducting separate and sequential interviews for each vacancy;
- a list of pre-screened and pre-interviewed applicants for long term occasional positions was maintained, allowing these individuals to be assigned to those positions without further interview, if they applied, were qualified and among the five most senior.

Challenges to implementation and unintended consequences

A number of aspects of the Regulation posed challenges to its successful implementation and the achievement of its intended outcomes and produced a number of unintended consequence or unanticipated outcomes of the Regulation and its implementation. These included:

Limiting the ability of school boards to select "the best candidate for a position"

The school boards' associations, and principals' and supervisory officers' associations stated that Regulation 274 made it difficult or impossible to select "the best candidate for the position." In particular, the requirement that boards may consider only the five most senior,

qualified candidates who apply for a position prevented principals from selecting “the candidate that fits the unique needs of individual schools.” For example, employer organizations said that the definition of qualifications set out in Regulation 298 was too broad to enable a board to require a teacher of kindergarten to have previous kindergarten experience or for a teacher to have qualifications beyond Special Education - Part I in order to teach a class of developmentally delayed students with severe physical restrictions.⁵ Further, under the terms of Regulation 274, elementary schools could not require an applicant to have prior experience in kindergarten if s/he possessed the basic primary-junior qualification. A few representatives of employer organizations said that they regarded a willingness to coach or lead the elementary school choir should be a legitimate qualification that could be used to screen out other applicants who had the appropriate teaching qualifications on their Ontario College of Teachers’ Certificate of Qualifications, but had not indicated such a willingness.

Limiting Diversity Hiring

School board associations stated that Regulation 274 made increasing the diversity of their teacher population more difficult. Comments were made in conversation and in writing about a “settlement agreement reached between the Ontario Human Rights Commission and the Ontario Ministry of Education” and/or the necessity of employing staff who reflect the ethnicity of the student population. They said that Regulation 274 does not permit principals to select candidates who reflect the ethnicity of the student population. Among the features of the aforementioned settlement was a provision in which the Ministry of Education agreed to work “with the Ministry of Training, Colleges and Universities to promote, advertise and recruit teachers from racialized communities, persons with disabilities and other under-represented groups” (See more at: http://www.ohrc.on.ca/en/news_centre/safe-schools-settlement-reached-ministry-education#sthash.lo1SMwTh.dpuf).

We did note that the Ministry’s Policy/Program Memorandum of April 22, 2013 (Developing and Implementing Equity and Inclusive Education Policies in Ontario) calls upon boards to:

... make every effort to identify and remove discriminatory biases and systemic barriers that may limit the opportunities of individuals from diverse communities for employment, mentoring, retention, promotion, and succession planning in all board and school positions. The board’s work force should reflect the diversity within the community so that students, parents, and community members are able to see themselves represented. The board’s work force should also be

⁵ This claim, asserted as universal during Phase I, proved not to be the case during Phase II interviews.

capable of understanding and responding to the experiences of the diverse communities within the board's jurisdiction (emphasis supplied).

Ensuring appropriate diversity requires a desire to have a diverse group of teachers on the part of the employer, knowledge of the ethnicity of the existing employee pool (teachers and occasional teachers) and processes which give teachers from minority backgrounds a fair and reasonable chance of employment.

In our view, Regulation 274 is consistent with both the intentions of the Ontario Human Rights Commission, the Ministry's agreement with the Commission, and Ministry policy directives because it brings transparency and fairness into the hiring process. Transparency and fairness in hiring processes as objectives do not conflict with diversity objectives.

In Phase II we specifically asked whether the boards had a diversity hiring policy, whether the board collects information about teachers' self-identified ethno-cultural and ethno-linguistic characteristics, gender, disability status, etc. and how this information is used.

The interruption of classroom instruction

Although unintended, Regulation 274 may inadvertently contribute to the discontinuity of instruction that results when different teachers are assigned serially to the same group of students. Such a situation might occur as a consequence of an unexpected illness of a classroom teacher. Many boards use computerized systems for securing occasional teachers when permanent teachers are absent. If a teacher is ill, her/his position will be filled wherever possible by a qualified teacher from the list of occasional teachers. If the absent teacher's illness extends beyond the number of days⁶ specified in the collective agreement that designates that position as a long term occasional vacancy, Regulation 274 requires that the position be posted and that one of the five most senior, qualified teachers who apply for the position be employed to fill the long term occasional vacancy. This set of circumstances means that as many as three teachers could be assigned to the same class of students: the permanent teacher, an occasional teacher, and a long term occasional teacher. This could also have happened in the absence of the Regulation, as the occasional teacher assigned or the principal might not wish to continue the assignment as it becomes long-term.

The other source of discontinuity is the "jumping" of a teacher already in a long-term occasional assignment to another long-term occasional assignment before the first assignment ends. In some boards, the Regulation is being interpreted as requiring that any teacher on the

⁶ According to those interviewed, this varied from nine to 15 days.

LTO list who applies for a long term assignment (and who is qualified and one of the five most senior applicants) must be considered without regard for the fact that he/she is in a long term assignment that will not end before the one being sought begins. On the other hand, the Regulation specifically provides that a permanent vacancy must be posted to allow qualified teachers on the long term list an opportunity to apply. These issues were explored in detail with the boards and unions in Phase II.

Contributing to administrative and financial burden

The implementation of Regulation 274 imposed upon boards that did not already have such mechanisms the necessity of: creating and revising a list of long term occasional teachers, posting vacancies, establishing procedures and conducting interviews to determine eligibility for such a list, and debriefing unsuccessful applicants. The Regulation did not provide for or contemplate a transition period during which such mechanisms might be developed. As a consequence, a number of boards incurred administrative and financial costs that were unanticipated.

Impeding the hiring of new graduates

The preference for employing teachers new to the profession rather than older, more experienced teachers was clear in the interviews conducted with many school board association representatives. This preference persists despite the evidence that, all other things being equal, more experienced teachers are more successful in improving student achievement.⁷ Board associations suggested that Regulation 274 could have a deleterious impact on the ability of the profession to attract new teachers. By requiring that boards give priority to existing employees, they would be prevented from recruiting recent graduates to teaching positions. As a result, recent graduates might not pursue teaching, and potential teachers might eschew teacher preparation in favour of occupations for which permanent employment follows more closely the completion of one's preparation.

⁷ See, for example, Biniaminov, I. and N.S Glasman (1983) School determinants of Student Achievement in Secondary Education. *American Educational Research Journal*. 20(2), 251-268; Mulholland, L. and D.C. Berliner (1992) Teacher Experience and the Estimation of Student Achievement, Paper presented at the Annual Meeting of the American Educational Research Association; Nye, B., Konstantopolous, S. and L.V. Hedges (2004) How Large are Teacher Effects, *Educational Evaluation and Policy Analysis*, 26(3), 237-257; Jepsen, C. and S. Rivkin (2007) Class Size Reduction and Student Achievement: the Potential Tradeoff between Teacher Quality and Class Size. *The Journal of Human Resources*. 44(1), 223-250; Huang, F.L. and T.R. Moon (2009) Is experience the best teacher? A multilevel analysis of teacher characteristics and student achievement in low performing schools. *Educational Assessment, Evaluation & Accountability*. 21:209–234

It is too early in the implementation of Regulation 274 to gauge whether there might be such an impact or the magnitude of the impact. There is a significant oversupply of teachers in Ontario, though there are shortages of teachers with very specific qualifications in some regions. The unions alleged that, prior to the Regulation, some boards consistently hired less experienced beginning teachers and overlooked those already in their employ who had been successful occasional and long term occasional teachers.

Regulation 274 cannot address the competition among the many qualified applicants who might fill teaching positions, but its transparency and fairness should make the path to permanent employment clearer to all in the profession, including recent graduates.

Fettering the discretion of school boards and principals

Any act, regulation or process that limits the authority of a subordinate body is likely to be perceived as unwelcome, if the change has not been sought by the subordinate body. By imposing requirements on boards regarding the hiring of teachers, Regulation 274 fetters the previously held discretion of school boards and of the personnel involved in the hiring process. This is seen by the board associations, supervisory officers' associations and principals' associations as diminishing their authority.

Phase I, Round Two Meetings - testing ideas for change

During the second round of meetings with provincial organizations, Directions canvassed opinion about changes that might be made to improve the Regulation in an attempt to determine whether there was sufficient consensus among the parties to propose a suite of changes with which all parties might agree. The meetings involved considerable discussion about a range of issues and garnered a range of reactions. What follows is a précis of the changes discussed. While associations saw possibilities in some of the ideas for change, there was no willingness on the part of the associations to commit to the ideas, pending negotiations.

Experience rather than time to determine seniority or eligibility

Research about teacher effectiveness shows that teaching experience matters – all other things being equal, teachers with more experience are better teachers.⁸ Directions elicited a discussion about whether the cumulative experience of a teacher in classrooms in the board as an occasional teacher or a long-term occasional teacher might be a better reflection of the teacher’s competence than the length of time the teacher has been on the roster of occasional teachers.

Qualifications

Directions sought the views of provincial organizations about whether qualifications for teaching presume that a teacher possesses the necessary Ontario certification (basic qualifications and teachable subjects); whether prior academic or professional preparation or equivalent experience could also be used to demonstrate the competence necessary for performing the teaching duties of a position (from the time of its commencement); whether, for general teaching positions in the primary and junior divisions, the basic qualification as set out in Regulation 298 was sufficient; and whether, for French immersion classes, proficiency in French was a legitimate requirement of the position.

⁸ See, for example, Biniaminov, I. and N.S. Glasman (1983) School determinants of Student Achievement in Secondary Education. *American Educational Research Journal*. 20(2), 251-268; Mulholland, L. and D.C. Berliner (1992) Teacher Experience and the Estimation of Student Achievement, Paper presented at the Annual Meeting of the American Educational Research Association; Nye, B., Konstantopolous, S. and L.V. Hedges (2004) How Large are Teacher Effects, *Educational Evaluation and Policy Analysis*, 26(3), 237-257; Jepsen, C. and S. Rivkin (2007) Class Size Reduction and Student Achievement: the Potential Tradeoff between Teacher Quality and Class Size. *The Journal of Human Resources*. 44(1), 223-250; Huang, F.L. and T.R. Moon (2009) Is experience the best teacher? A multilevel analysis of teacher characteristics and student achievement in low performing schools. *Educational Assessment, Evaluation & Accountability*. 21:209–234

Mobility of permanent teachers

Directions canvassed views about whether teachers with two or three years demonstrated successful experience as a contract teacher in one jurisdiction should be able to be interviewed for inclusion on the list of long term occasional teachers in another jurisdiction without having to have short term occasional teaching experience in the new jurisdiction. This was one idea that appeared to have support across the associations; although support from unions appeared to be predicated on terms and conditions that they might wish to see applied to the idea and conditional on other changes that the unions might propose.

Fair and open processes

Directions attempted to elicit agreement from representatives of provincial organizations that fairness and transparency required the timely posting of available teaching opportunities and the sharing of information with the union.

Expedited dispute resolution

Disputes about the appointment of long term occasional and permanent teachers, and about the appropriateness of postings and qualifications for long term occasional and permanent positions should be able to be resolved in a timely fashion, be consistent with similar resolutions of similar disputes and be achieved at the lowest possible cost to the parties. Directions asked whether an expedited process with specifically defined scope as an alternative to the grievance procedure for some recurrent issues regarding qualifications and posting requirements was of interest to the parties.

Alternate processes on mutual agreement of board and local union

Organizational representatives were asked whether the Regulation should contain an explicit provision that “nothing in this regulation precludes the board and the union representing the occasional teachers from using an alternative process for selection and placement of teachers into long-term occasional or regular positions.”

Outcome of Round Two Meetings

No consensus was reached among the parties during the second round of meetings with the provincial associations. Discussants were cautious about expressing their views, cognizant that their preferred changes were unlikely to be the same as those of other organizations. In such an atmosphere, it was difficult to discern specific preferences and, thus, to obtain consensus among the parties about changes to which all might agree.

Phase II

The methodology used in Phase II

Phase Two was an investigation of the initial implementation of Regulation 274 at the school board level. Investigations inquire about things after the fact to enable judgments to be made. In this case, the investigation sought to determine whether the establishment of fair, transparent, and consistent hiring practices consistent with the government's goals of student achievement and well-being has been achieved with Regulation 274.

In January 2014, the Minister of Education sent a letter to school board chairs and directors of education inviting them to arrange for an interview with members of the Directions team. In her letter, the Minister said that the Directions team was to “. . . undertake the fact-finding phase aimed at seeking documented evidence/experience of the impacts of the Regulation's implementation in each school board across the province. In this second phase, they will meet with representatives of every school board and its local teacher unions (primarily by teleconference) in order to gather facts related to current effective hiring practices, positive outcomes and challenges of the Regulation. This second phase of the process is to ensure that all school boards, teacher federations and board associations are included and that the full range of experiences with the Regulation across the province has been captured.”

A similar letter was sent all provincial unions inviting them to communicate with their locals about arranging interviews with the Directions team. Directions prepared a list of questions that it planned to use to guide each interview that accompanied the Minister's letters of invitation. Copies of the invitations and questions appear in Appendix 3. Directions established an e-mail address dedicated to the project to which board or union representatives could send their requests for interviews. Directions responded to each request by scheduling a 1.5 hour time period for each interview.

In Phase II, semi-structured telephone interviews were conducted with representatives of 71 of 72 school boards. Ninety-three interviews were conducted with union representatives. Of these 93 interviews, 31 interviews were conducted with locals of the Elementary Teachers' Federation of Ontario, 12 with locals of the Association des enseignantes et des enseignants franco-ontariens, 27 with locals of the Ontario Secondary School Teachers' Federation and 23 with locals of the Ontario English Catholic Teachers' Association. The interviews were completed in 75-90 minutes.

Each of the interviews in round two was conducted by two interviewers⁹. One interviewer asked the questions that had been provided by the Minister to the respondents with her letter. The other interviewer recorded the responses in a database in open text format. Open text format was used because even questions that called for a specific numerical answer often engendered qualification.

Ascertaining the strength, prevalence, frequency or representativeness of findings or themes was challenging for several reasons. First, although respondents were provided with the interview questions in advance, respondents varied in terms of the precision of the answers they were able to provide. The variation is in part attributable to the fact that the interviews occurred during initial implementation of the Regulation when, as a consequence of the public attention devoted to the issue, there was uncertainty about whether the Regulation would be withdrawn. Another source of the variation was the fact that the organizations that respondents represented varied in the degree to which they recorded data requested. For example, board representatives said that they did not collect information about the number of short-term absences that extended to become long-term absences.

A second challenge to ascertaining the strength, prevalence, frequency or representativeness of findings or themes was the absence of standard metrics for making such judgments. We mention single instances of a phenomenon when doing so illuminates something that, in our judgment, requires careful consideration. Our calculus of inference takes into account whether the size of the board in which the phenomenon is asserted to have occurred is large or small or whether the occurrence is anomalous and, thus, not worthy of mention.

A third challenge was that the process relied on the perceptions of the respondents without the ability for independent verification of the assertions made or information provided. Interviews – even ones that seek specific information such as the number of short-term absences – are prone to elicit anecdotal responses.

The nature of the interview process and the fact that many respondents simply said they did not have detailed information make quantification challenging. Cognizant of this challenge, Directions has used the following terms to attempt to provide quantification within the parameters indicated:

- a few (handful) = 2 – 5% of the cases
- several = 6 - 25% of the cases
- many = 26 – 50% of the cases
- the majority = 51-75% of the cases

⁹ English language interviews were conducted by Charles Ungerleider and Ruth Baumann; French-language interviews by Laurent Joncas and Ruth Baumann.

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- most = 76 – 90% of the cases
- nearly all = 91-99% of the cases.

Readers should be aware of the limitations of the report which include preliminary or incomplete information, recognition that respondents were not asked to compile the data requested as a matter of the normal operation of their organizations, and the difficulty validating the anecdotal nature of the data.

About the Phase II Report

Representatives of boards and unions were assured of anonymity and confidentiality. As a consequence, we have avoided associating any practice or observation with a specific board or union. In addition, unless specifically noted, our observations do not necessarily apply to every board or union in the province. We have tried to provide an indication of the prevalence of a practice where we believed doing so was important. However, it is sometimes the case that, even if not widespread, pointing out a practice may illuminate important issues associated with the implementation of Regulation 274 or illustrates an exemplary practice.

In general the differences between the French Catholic, French public, English Catholic and English public school systems were minimal, and are specifically noted where worthy of mention.

Context Matters

The establishment of Regulation 274 occurred in a complex context affected by many factors, including the overall supply and distribution of entrants to the profession and those seeking work as K-12 teachers, demographic change (declining or increasing student enrolment), geography, provisions of collective agreements, relationships between the union and the board, relationships between bargaining units within the same board, and the regulations regarding teachers and teaching.

For the French language boards, the challenges of geography (large distances across the board) are quite universal. The French boards reported many more difficulties in finding qualified teachers, whether from their LTO list, their occasional roster or externally. These difficulties are particular to the smaller, more remote communities with French-language schools. Because almost all of the French boards have geographic challenges, the LTO list itself becomes less meaningful; there is a higher likelihood that for one of the remote communities there will be no applicants. Three or four small Northern English boards face similar challenges.

Magnitude and Importance of Daily Occasional and Long-Term Occasional Teaching

Occasional teaching assignments vary from one day to a full year. The occasional teacher is responsible for the curriculum and the instructional program in the absence of the regular teacher. It is an expectation of the system that the occasional teacher be qualified and competent to perform the duties required of a teacher. The impact on students of multiple teachers in a single long term assignment, or of a teacher who is not qualified for the subjects being taught in a secondary school, can be significant.

There were few board personnel or local union representatives who could provide information about the length and frequency of long-term occasional assignments or the cost of supply teaching in the board. This may be a consequence of having never been asked for quantitative data about long-term assignments, the limitations of the board's data systems, or the lack of consideration to the importance that such information might have. Some of the challenges identified by the employer side associations in Phase I regarding the loss of teacher continuity (job-hopping, multiple occasional teachers in a single extended absence) associated with Regulation 274 were supported largely with anecdotal rather than quantitative information. For example, few boards could provide data about how many short term assignments had become long term assignments. Most boards were also unable to provide information about the number of short term absences that became or were extended into long-term absences. To elicit such information during Phase II, board and union representatives were asked

- How many long-term occasional positions were posted during the 2012-13 school year?
- How many long-term occasional positions have been posted so far for the 2013-14 school year? ¹⁰
- Is it possible to represent occasional teaching (and long term occasional assignments) as a percentage of the full-time-equivalent regular teaching payroll? If yes, what is the percentage?
- How many short-term absences in 2012-13 became long-term absences?
- How many long-term occasional assignments were there in 2012-13 and how long were the assignments?
- How many short term occasional teacher days were used in 2012-13?

The ability of boards and unions to answer these questions was very uneven. Many boards and most unions did not have the data requested in a form that could be usefully organized

¹⁰ This information has not been summarized as the data were collected over a 2.5 month period and are not comparable.

(questions about the number and duration of long-term assignments produced a list of every assignment made with its length) or simply said they could not provide the answers. One of the provincial teacher organizations provided data based on its fee structure indicating that total occasional teacher work as a percentage of FTE regular teacher work ranged between 13.3% and 21.99% in 2012-13, including long term occasional assignments of as long as a full year. Data from the Ontario Ministry of Education shows that between 2008-9 and 2012-13 the salaries and wages for supply teachers for all boards increased from \$379 million to \$433.5 million, an increase of 14.4%. On average during that period, supply costs were 4.27% of total classroom teacher salaries and wages.¹¹ It is important to note that many long term absences are not included in the Ministry's data, as the costs of a long-term occasional are only counted if the board continues to pay the absent teacher. Teachers on unpaid or self-funded leaves are not included in this count, nor are those on long term disability.

How a teacher becomes an occasional teacher

Those who pursue a pathway to permanent employment in teaching find the route difficult and unpredictable. While those completing teacher education programs in the 1960s and the early 1970s could usually find immediate employment following certification, today's graduates must anticipate that they will spend a significant period of time as daily occasional teachers or in teaching positions outside of the publicly funded system. There have been previous periods of teacher surplus, but the current oversupply of qualified teachers is unprecedented.¹²

While the oversupply situation may be a top-of-mind issue at the present, developing appropriate pathways to permanent teaching with fair and transparent processes is a desirable goal in its own right, regardless of the supply and demand situation.

Occasional teaching will probably always have two distinct groups of teachers: those who are seeking permanent employment and using occasional teaching as the first step on that path, and those who, for a variety of reasons, are not interested in permanent employment as teachers. The latter group includes flight attendants, actors, writers and others who, by virtue of their interests and inclinations, use daily occasional teaching for a variety of purposes: as a means of supporting themselves financially, to bring variety to their work, and who enjoy the control over the time they work that occasional teaching provides.¹³

¹¹ The Ministry data only includes as occasional teacher salaries and wages where the absent teacher is still being paid. If the absent teacher is on an unpaid leave, or is on long-term disability being paid by an insurance company, the occasional teacher costs are not included in the Ministry's calculation.

¹² Ontario College of Teachers (2013) Transition to Teaching 2013. <https://www.oct.ca/-/media/PDF/Transition%20to%20Teaching%202013/EN/TransitionToTeaching2013.pdf>

¹³ In her study of occasional teachers' access to professional learning, Pollack found that, of the 351 individuals responding to her survey of occasional teachers, 73% (255) indicated that they intend to pursue a full-time

Teachers who wish to supplement their retirement incomes also pursue occasional teaching, though rarely on a long-term basis. This adds to the competition for employment as an occasional teacher.

In many of the boards, the proportion of retired teachers within the occasional teacher group was reported to be diminishing. A significant number of boards reported that retired teachers must now apply to be added to the occasional teacher roster through the same process as a recent graduate. A minority continue to add retirees automatically on request. Some boards have stopped adding retirees altogether. In boards with small populations and several communities that are remote from each other, the use of some retirees is seen as necessary to ensure that a qualified teacher is available to replace an absent teacher. Of the 21 boards providing information on retirees in occasional teaching, only 5 report having 30% or more retirees on the roster, including one board that reported that 27% of its elementary and 41% of its secondary occasional teacher roster is retired.

In order to support themselves and to acquire experience and visibility that they hope will enable them to secure permanent employment, some teachers make themselves available to more than one school board for daily occasional work. In most instances, teachers learn of daily occasional assignments by means of automated systems that contact teachers on the board's roster of daily occasional teachers.

The process of becoming an occasional teacher for a school board can be filled with uncertainty. Because of the aforementioned over-supply, many boards do not add teachers to their lists of teachers available for daily occasional work on a regular or even predictable basis. Some accept applications continuously throughout the year, but add names to the list only when the need arises. Other boards accept applications only when they have a specific need. It appears that relatively few boards communicate clearly to those who apply about what timelines might be and what to expect.

Some teacher unions have negotiated limits ("caps") to the number of individuals who can be placed on the roster of occasional teachers to ensure that those on the roster have greater opportunities for employment. These limits range from a simple headcount to sophisticated calculations based on availability and qualifications. Of the 71 boards interviewed and asked about elementary limits, 21 had caps or maxima, 32 did not, and 14 did not respond. At the secondary level, 15 had caps or maxima, 34 did not, and 17 had no response.

teaching position within the next five years. Pollack, K. (2010) Occasional Teachers' Access to Professional Learning: Final Report for the Elementary Teachers' Federation of Ontario, Provincial Office.
www.edu.uwo.ca/faculty_profiles/cpels/pollock_katina/documents/Occasional_Teacher_Pollock_2010.pdf

The use of automated systems for calling teachers for occasional teaching assignments is widespread. On the surface, such systems appear to distribute work evenly among occasional teachers. There are, however, a number of mechanisms that affect the distribution of opportunities across individuals. These include the individual's own preferences about when and where they are willing to accept an assignment. Some systems work on a "job grab" basis, where each absence is posted and the first occasional teacher who responds obtains the job. Others generate a series of telephone calls based on the qualifications of the absent teacher and the recorded qualifications and preferences of the occasional teachers and rotate through the list.

The automated systems employed by schools boards are capable of allowing schools or board staff to modify the way the systems work. For example, it is possible within the system and permissible in some boards for the principal, staff members or board officials to indicate preferences among teachers on the list. These preferred teachers are called first. It is possible in many boards to modify the call-out procedure to enable a daily occasional teacher to remain in a placement when it is learned that the absence will continue for more than a day. While this capability exists in most – if not all – automated systems, in some boards it is not used or is not centrally monitored or regulated, leaving schools with the possibility of several occasional teachers over an absence of several days.

Geography is a factor in the assignment and placement of occasional and long-term occasional teachers in many school boards. Where communities are remote, there are sometimes insufficient teachers in the immediate vicinity to ensure that a teacher with the desired qualifications is available for daily occasional or long-term occasional work. Travel distance and travel time impose limitations on the ability of teachers to accept assignments, especially during the winter.

In addition to these factors, the school's reputation is also a factor in the decision that some teachers make about whether they will take an assignment. Almost all boards allow teachers to designate schools at which they are willing to accept assignments. Schools reputed to have challenging student populations can find it difficult to employ a daily occasional teacher for an absent teacher's assignment.

A small number of boards do not use automated systems. Teachers are called for an assignment by the principal or a staff person whose responsibility it is to implement the board's rule or the rules agreed upon by the board and the unions. This practice is most common in boards with scattered communities and a small number of schools in each.

It is not hyperbole to say that for teachers seeking permanent employment as the destination along a path that begins with daily occasional work, the route and the economic rewards are uncertain.

Most occasional teachers are not evaluated

Although classroom instruction is a teacher's primary responsibility, only a minority of boards said that they (routinely) evaluate a teacher's instructional practice as a daily occasional teacher. Of the 71 boards interviewed, 48 said they had no process to evaluate the daily or short term occasional teacher, 19 said yes or that they had a policy, twelve said that evaluations of occasional teachers were done only on request, and/or very rarely.

Table 1: Does the Board evaluate daily occasional teachers? (Board Responses)

	Number of boards that have a policy to evaluate daily occasional teachers	Percentage of boards that have a policy to evaluate daily occasional teachers
Yes	19	28.4
No	48	71.6
Totals	67	100

The unions reported an even lower frequency of the evaluation of daily occasional teachers. Among those boards indicating that they had a policy were those that described the evaluation policy and process as incident driven, meaning that a process would be invoked only if there was reason to suspect that a teacher’s performance was not satisfactory. Others said that their existing policy was not used very often.

Almost all boards indicated that they now have a process for evaluating a long-term occasional teacher assigned to a position that lasts four months or longer. The majority are using the Ministry-provided template, sometimes modified for local circumstances. Some boards will only evaluate those who are on the LTO list, and will not evaluate a teacher who has been placed in a long term assignment from the occasional teacher roster.

Table 2: Does the Board Evaluate LTOs of less than 4 months duration (Board Responses)

	Evaluate LTOs < 4 months	%
No	3	4.5
Mandatory	3	4.5
Discretionary	54	80.6
Did not answer	7	10.4

The episodic nature of the teacher absences and the demands upon the principal’s or vice principal’s time are two of the factors that can make systematic observations challenging. A few school board representatives spoke of occasional teachers as casual labour to whom they owed few obligations. In other boards, however, daily occasional assignments were recognized as entry-level positions for teachers seeking more permanent and stable employment. Even among these boards (that regarded daily occasional work as the entry), relatively few have a systematic approach to evaluation of the performance of a daily occasional teacher.

The evaluation of occasional teachers is important because of the processes for consideration for the long-term occasional teachers list. Such processes often include the requirement that an applicant have a letter of reference from a principal. Some boards require these references to be based on actual classroom observation. Only 19 boards reported having a process for evaluating short-term occasional teachers (although a few boards indicated they were developing a process). Under such circumstances, the teacher can find him/herself at the mercy of the school administrator's willingness to observe and evaluate when trying to obtain a reference or an evaluation. One local union asserted that some principals in that board would often require a daily occasional teacher to do volunteer extra-curricular work in the school as a condition of providing a reference.

Some collective agreements provide for performance evaluation of daily occasional teaching:

PERFORMANCE EVALUATION

An Occasional Teacher may request a performance review. Such request will be made to the Principal of a school where the Occasional Teacher has had a minimum of ten (10) instructional days worked. It is understood that such an evaluation shall be performed at a mutually agreeable time.

However, several of these boards also reported that these evaluations rarely occurred, and were often discretionary on the part of the administrator.

In at least two boards, provision is made for a probationary process for the beginning occasional teacher with systematic evaluation. One collective agreement provides a positive model for the evaluation of short term occasional teachers as they begin in the board's employ:

Newly hired Occasional Teachers shall serve a probationary period of forty (40) days taught, within the bargaining unit within a one (1) year period. During the probationary period, an Occasional Teacher shall be assigned to two (2) schools as determined by the Board. Normally, within the first fifteen (15) days taught during the probationary period an evaluation shall occur at one of the schools as designated by the Board. Upon the successful conclusion of the first evaluation the Occasional Teacher shall be eligible to accept assignments throughout the system. A second evaluation may be performed during the probationary period. The Board shall affirm the position of the Occasional Teacher as non-probationary at the end of the forty (40) days taught within the bargaining unit within a one (1) year period, should the probationary period be successful.

In the absence of specific provisions and routine practices, there are two circumstances in which a principal is likely to evaluate an occasional teacher:

- when a principal believes the teacher’s performance or behaviour to be unsatisfactory or
- when a principal wishes to ensure that a teacher is considered for the long term occasional list, or for permanent employment.

The interviews revealed that, in boards that require principal references for application to the Long Term Occasional List, occasional teachers can find themselves with no indication of unsatisfactory performance and no way of securing an evaluation or observation on which a reference could be based.

Although the Regulation addresses some but not all aspects of moving from occasional to long-term occasional to permanent work, neither the existing administrative, evaluative infrastructures nor the administrative cultures are sufficient to support an orderly transition in most boards.

How a teacher becomes a long-term occasional teacher

Prior to Regulation 274, very few boards had a separate list of teachers eligible and potentially available for long term assignments, though some boards maintained lists of teachers who were ready to be hired to permanent contracts. In some boards, long term occasional assignments were simply daily occasional assignments that had occurred because of a prolonged teacher absence.

To the extent that long term assignments were distinguished from daily occasional assignments, the distinctions arose as a consequence of agreements reached between unions and school boards. Typical of most agreements were provisions for the payment of teachers on scale after an agreed upon number of consecutive days in the same position (a “long term assignment”). In a similar vein, prior to Regulation 274 some unions and boards had negotiated agreements about the conditions that would require that a school board post an assignment as long-term and invite applications for such positions.

Regulation 274 requires that those placed on the list of teachers available for long-term occasional assignments must have worked 20 days in ten months prior to making application to be considered for the long-term occasional teachers list. Teachers seeking work as occasional teachers must now make a calculation whether they will be able to obtain 20 days of work in 10 months if they are on the roster of daily occasional teachers in more than one board. Moreover, there are differences among boards in the interpretation of what “20 days in ten months” means and how it is calculated. Regardless of the specific interpretation, it means that a beginning teacher is not eligible to apply to the LTOL for an entire school year. It also means

that a teacher who has previously been permanently employed in another jurisdiction must begin as a daily occasional teacher for at least a year.

The Long Term Occasional List, its implementation and application

The Regulation requires each board to establish a long-term occasional teachers list. The implicit promise of the Regulation was that daily occasional teachers could apply to be on the long-term occasional teachers list and have reasonable consideration for long-term assignments and ultimately permanent teaching positions.

When Regulation 274 was established, many boards were slow to establish a long term occasional list(s) for several reasons including logistical challenges internal to the boards and the hope that the Regulation would simply be repealed. There was evidence of covert resistance and one or more instances of overt resistance. A few boards have stated that the Regulation only requires the one-time establishment of the long term occasional list, and having done so, these boards see no requirement in the Regulation to refresh the list. At the time of our interviews (January – March 2014), most boards had refreshed the list at least once, or said they were about to refresh the list.

A few boards decided that, for the first long-term occasional teachers list, all teachers on the roster of daily occasional teachers who had previously held long-term assignments were deemed to be on the long-term occasional teachers list. The majority followed more elaborate processes and used a broad range of practices.

Most boards have established rigorous processes for determining who gets on the long term occasional list. Many said that the long-term occasional teachers list should be limited to those that the board is ready to hire to a permanent position. These high standards are not met by all of the daily occasional teachers who have previously had long term assignments. Not having access to long-term occasional work makes it difficult for these teachers to be evaluated or to document their professional growth.

Directions canvassed the range of practices employed by boards in selecting individuals to the roster of occasional teachers, the long-term occasional teachers list or to permanent teaching positions. These include presentations to the interview team, language proficiency tests, reference checks, resumes, student teaching or teaching evaluations, teaching portfolios, interviews and, in one board, the use of an aptitude or personality test.

In the board using the aptitude test, those applying to the long-term occasional teachers list must first take and pass an employment related personality test before any further consideration is given. In another board, candidates for the long-term occasional teachers list went through a process that lasted three hours and included an oral interview, a written essay

on student assessment, a non-verbal exercise with other applicants that was observed by one or more members of the interview team, and a case study discussed with a principal. References were also required in this instance, and a score of 75% on each portion of the process was required to get on the list. In still other boards, the long-term occasional teachers list application process was a single interview conducted by one or more board administrators.

Understanding the Process of Applying to be on the Long-Term Occasional List

Some boards went to considerable lengths to help prepare potential applicants for the interview process. We heard of a small number of boards where the board shared with the union information about the knowledge and understanding that they were looking for in the interview process (a sound understanding of current assessment practices, differentiated instruction and inclusive education, for instance), and the general format of the interviews. The union was then able to share this information with prospective applicants. In at least one instance, the board and union jointly presented to those interested in applying to the list.

In a similar vein, some union locals conducted workshops for teachers designed to improve interview skills and acquaint them with material related to teaching that was likely to be the subject of interview questions. Here is a posting for one of these:

Interview Strategies Workshop

Review successful approaches on preparing for an interview.

Discuss planning, assessment and evaluation plus the role of highly effective instructional strategies, including differentiated instruction and inquiry-based learning. This workshop is offered especially for those planning to apply for the LTO Roster this spring.

Teachers are encouraged to disclose to students the nature of the tasks they will be asked to perform, the standards they will be asked to achieve and the means that will be used to determine whether students meet those standards. Fewer than 25% of the boards followed such practices with respect to their assessment and judgment of a teacher's suitability for placement on the long term occasional list. Before the establishment of the first long-term occasional teachers list, applicants had little information about what to expect during, or how to prepare for, the interview.

Postings and interviews for long term occasional assignments

As the interviews with school boards and local unions progressed we became aware of widely divergent practices about the posting of long term assignments and began to ask more questions about posting provisions.

Postings play a critical role in a fair and transparent hiring process. If there is no knowledge of an opportunity (because it is not posted in a manner that all interested parties can see it), there is no opportunity (for those seeking such a position) to apply. Moreover, if positions can be filled without posting, there is no accountability for the process or the appointment. We heard from some boards that they would only post assignments that were known in advance, or known in advance for a specified period of time (up to two months), even if the resulting absence was a full year. In some boards, these “not known in advance positions” were filled as daily occasional assignments and simply extended. In others, they were filled at the discretion of the principal from the roster of occasional teachers without application.

In some cases, the posting of positions was addressed in collective agreements. These agreements typically specified that assignments of a given duration would be posted as long term. In some boards, the agreement also specified that the absence must be known in advance of its occurrence in order to be posted. These provisions exhibit considerable variation among school boards and, sometimes, even within the same board where there are separate agreements at the elementary and secondary levels, and between permanent teacher and occasional teacher bargaining units. An example of one such provision follows:

JOB POSTINGS

For pre-determined long-term occasional assignments known to the Board for at least fifteen (15) school days prior to the commencement of the assignment, and of at least two (2) months duration, the Board shall post all vacancies for a minimum of three (3) school days on the Job Postings Conference in the Board’s First Class E-mail system.

Notwithstanding the foregoing, during the first week of July and the month of August, the Board agrees to post on the Job Postings Conference in the Board’s First Class E-mail system and on the Board’s website, all such vacancies for three (3) days excluding weekends or statutory holidays.

Across the 71 school boards providing information in Phase II, the actual posting practices varied widely. In some boards all absences known to be more than the number of days in the collective agreement for salary purposes are being posted. When a short term absence extends and is known to continue for some time, some boards are posting these. Some unions are grieving every failure to post a long term assignment (according to the salary provisions of the

collective agreement), regardless of whether any time would remain in the assignment at the end of the interview process.

Directions was informed about a variety of workarounds to avoid the intentions of the Regulation. For example, Directions was informed of instances where principals advise a teacher who intended to take a maternity leave not to inform the principal formally until the last minute or to go off on sick leave and apply for the maternity leave once absent so that the principal could say that s/he had not known of the absence in advance. This allows the principal to bypass the posting requirement and select a daily occasional teacher for whom the position would become long-term. When positions are not posted, the union has no way of knowing that the positions existed or how they have been filled.

The application of posting provisions appears at best to be very inconsistent. Access to information about available long-term and permanent opportunities is fundamental to fairness and transparency in hiring processes.

It was also asserted that in a few cases where eligible occasional teachers had been informed about positions through postings, principals arranged interviews in a manner that would advantage some applicants and disadvantage others (e.g. e-mailing an applicant late on a Tuesday night for an interview on a Wednesday morning, when the applicant had a daily assignment.)

From the board side, Directions heard that principals wanted to know how long they had to wait for an applicant selected for interview to respond to a proposed interview before proceeding. Another issue identified by some boards was the ability of a senior teacher on the LTO list to apply and be interviewed (unsuccessfully) dozens of times. The Regulation makes no provision for the removal of a teacher from the LTO list.

Feedback and debriefing of candidates

Directions heard repeatedly about problems with the debriefing process required by the Regulation. Issues included long delays in the provision of feedback and lack of specificity in the feedback provided. Some boards appeared willing only to comment about a teacher's interview performance despite the fact that resumes, references, and in some cases written work was required and considered. (This was an example of a very literal interpretation of the language in the Regulation.) One union local said that every teacher who had applied for the first LTO list received the identical debriefing letter. Some boards stated that the union locals were insisting on the right of the teacher to have a union representative at the debriefing, or were requiring everyone on the interview team to be present. During the course of the interviews, some but not all union representatives indicated a willingness to accept a debriefing conducted by a

knowledgeable member of the interview panel, rather than the entire panel. There was also openness to debriefing by telephone.

The consequences to the applicant of not making the LTO List

In some instances, individuals who had performed well in long term occasional assignments prior to the inception of Regulation 274 were automatically placed on the long-term occasional teachers list. On the other hand we heard of a number of instances of teachers who had repeated long-term assignments without any negative feedback who were denied a place on the list as a consequence of a poor interview or a missing or poor principal reference. Some boards and unions indicated that they thought that occasional teachers applying for the long-term occasional teachers list didn't understand the nature or rigour of the process contemplated by the board and believed that because they had been doing long term assignments, they would be added to the list without difficulty. There were clearly instances cited by both board and union interviewees where a poor interview defeated a candidate whose previous performance in the classroom had been very acceptable.

We also heard of instances where teachers who had previously worked long term assignments and were not successful in obtaining a place on the list were stigmatized or felt stigmatized in the eyes of their peers and school administrators. Not being granted a place on the list was sometimes perceived by applicants and others as a question about the applicant's competency. Moreover, when a teacher is not placed on the long-term occasional teachers list, the teacher can be in a position where he/she cannot obtain evidence of doing successful work because relatively few boards have a process for evaluating daily occasional teachers. Only those teachers with an assignment of at least four months are guaranteed an evaluation under the Regulation and under the practices of most boards.

One board was fairly generous when putting teachers on the long-term occasional teachers list, but is now challenged by having teachers on the list who are repeatedly being turned down by principals when applying for assignments. One teacher is on the list and eligible to be interviewed, but subsequently had an unsatisfactory evaluation in a long term assignment. Now this teacher has no opportunity to demonstrate improvement because the board won't permit the teacher to hold a long term assignment, despite remaining on the long-term occasional teachers list. This is also a board that has no provision for evaluating a teacher in a short term assignment. The same board reported that, when principals were writing reference letters prior to the Regulation, not as much weight was placed on these references. The principals are much tougher about the letters now. The comment was made that principals didn't realize how much their references were going to count.

How long should the Long Term Occasional List be?

What is the primary purpose of the list of long term occasional teachers? Is its purpose to facilitate filling long-term absences, or filling permanent vacancies, or both?

Regulation 274 makes no reference to the size of the long-term occasional list relative to the full-time equivalent teaching force. There is probably an appropriate size for the list relative to the teaching force of the board, and adjusted for some characteristics specific to the board (e.g. the age distribution of teachers, the extent of declining enrollment and teachers on recall, and geographic considerations that might dictate the need for a larger list in order to cover distant communities).

It appears through information gathered in the interviews with both boards and unions that some boards have established long term occasional lists that are demonstrably too short – a list established in May or June that is exhausted in early September of the same year, for example. The Regulation provides that the boards may then proceed to advertise to the roster of teachers available for daily occasional work and fill the long term positions from that roster without regard to seniority. In several boards, the unions asserted that the board deliberately arranged for a small list of teachers eligible for long term assignments in order to move quickly to the larger roster. The unions believed that this was being done to evade the seniority requirements of the regulation. During the interview process, school board representatives were asked about the criteria they employ for determining the teachers eligible for the list of long term occasional teachers. A number of boards acknowledged that the criteria they used were so stringent that fewer teachers were selected for the list than they knew would be needed during the school year, indicating that they were prepared to face that situation rather than hire teachers to permanent contracts whom they had previously hired to long term assignments.

At this point (where there are no qualified applicants from the long-term occasional teachers list for a position) the teacher previously rejected for the long-term occasional teachers list might find him/herself applying for a long-term assignment posted to the roster. The employer has discretion when selecting from the roster. In some instances, the unsuccessful applicant for the long-term occasional teachers list subsequently finds her/himself in a long term assignment after all, but is not always able to get an evaluation in that assignment (because they're still not on the long-term occasional teachers list). In other instances, the unions report that very junior teachers are hired to long term assignments, regardless of whether they have had 20 days of occasional teaching in the previous 10 months.

Regulation an impediment to diversity hiring or hiring the best person for a position

A number of claims were made during the course of both phases of this undertaking that Regulation 274 was an impediment to “hiring the best person for a position” and “diversity hiring,” in other words to hiring persons more representative of the student population. It is not possible to evaluate such claims without examining how boards select teachers for the roster of occasional teachers, the long-term occasional teachers list, and for permanent positions with the board. When questioned about board policies on diversity hiring, there were almost none in existence that were directed at the process of hiring teachers. Some boards had a statement that it was their intent to have a teaching force that reflected the diversity of their students, but we encountered few that were collecting self-identification data from their teachers or occasional teachers and none that were using that information to make hiring decisions, or had a clear statement about where in the hiring/assignment process such information would be considered. The Peel District School Board commissioned a consultant to investigate its hiring processes relative to its diversity goals. The consultant’s report was begun before Regulation 274 came into effect and published in early 2013 and makes a number of cogent observations that resonate with our findings (<http://www.peelschools.org/Documents/Final%20Report%20-%20Jan%202022.pdf>).

What the consultant’s report makes clear is that achieving an inclusive organization takes conscious and persistent work that requires regular monitoring and periodic adjustments.

Hiring of teachers to occasional, long term and permanent positions

In its report to the Teaching Policy and Standards Branch about the hiring and assignment of teachers in Ontario, the Canadian Council on Learning (2010)¹⁴ observed:

Prospective teachers are typically assessed on the basis of their résumés, covering letters, written applications, interviews and reference checks. A few school boards also require the applicant to complete a written assignment (e.g. a letter to parents, a test of linguistic skills, etc.) at the time of the interview. Guided primarily by past practice, those charged with making hiring decisions identify often broad teacher attributes as criteria informing their hiring decisions, such as skills, abilities, experience, and qualification. (p. 7).

¹⁴ Canadian Council on Learning (2010) The Hiring and Assignment of Teachers: Report presented to the Ontario Ministry of Education – Teaching Policy and standards Branch in Response to Proposal No: TPSB-001-09.

Little has changed in the intervening period. Résumés, reference checks and interviews are the main ways that applicants for teaching positions are assessed. With few exceptions only applicants for positions requiring French will have their oral and written capacity assessed. A teacher's instructional performance will be directly assessed in only a few instances, despite the importance of instruction to a teacher's responsibilities. The conclusions in the aforementioned report apply to the situation in Ontario today:

We believe that most of the variation [between boards] is idiosyncratic, owing more to local tradition, relationships, location, and the like than to systematic differences in policy or recommended practice. In other words, the variations noted occur despite a context bounded by policies and recommended practices, rather than because of such policies and practice (Canadian Council on Learning, 2010:8).

General Hiring and Selection Processes

During the course of the interviews with boards and local unions, Directions asked a number of questions about how teachers are selected or hired for occasional teaching, for the long term occasional list, and for permanent teaching. We asked about the following:

1. How long term and permanent teaching positions were posted, and whether everyone eligible to apply had the opportunity to see the posting;
2. Whether applicants for permanent teaching positions applied to the board or to the school;
3. Whether applicants were interviewed by an individual or by a team (subsequently we asked if the team included individuals who were not attached to the school); and
4. Which of the following were part of the selection process for hiring as an occasional teacher, being selected for the LTO list, or being appointed as a permanent teacher:
 - a. Interview
 - b. Language proficiency test or exercise
 - c. Reference checks
 - d. Resume/curriculum vitae
 - e. Teaching or student teaching evaluations
 - f. Teaching portfolio
 - g. Demonstration lesson
 - h. Aptitude or personality test

Virtually all of the boards used interviews and required resumes. Most, but not all, required teaching or student teaching evaluations for first time applicants. Exceptions to the interview requirement for permanent positions were the placement of teachers who were subject to

recall and, in a few cases, the placement of teachers on the LTO List into permanent positions. With the exception of a very small number of boards that placed occasional teachers who had previously been successful in long-term assignments onto the first LTO list without interview, all required interviews for the occasional teacher roster and the long term occasional list.

A few boards reported having a presentation component in their interview process, but none reported a demonstration lesson and only a few required teaching portfolios, although many indicated that candidates brought them and could refer to them.

References were generally required but, when hiring for a permanent position, were usually used only to check on the preferred candidate.

Boards reported a wide range of practices concerning the conduct of the hiring interview itself: how many were on the interview panel, whether at least one interviewer was required to be from outside the school with the vacancy, whether there was a standard bank of questions on which to draw, and whether the shortlist of applicants was reviewed by the Human Resources department against the total list of applicants and their seniority.

In some boards, principals and vice-principals have been trained in interviewing and scoring interviews using an established bank of interview questions and a centrally established rubric for assessing the answers. In other boards it is up to the principal (with the vacant assignment) to determine how the interview will be conducted, to prepare the shortlist of applicants to be interviewed and to determine who or whether another administrator will participate in the interview. In at least one large board, it was clear that the principal had no responsibility to submit the shortlist of applicants to Human Resources for review against the LTO list or a larger list of applicants.

Many boards had a language proficiency requirement for teachers of French, and a few had a written exercise or language proficiency requirement for English-speaking teachers. In most instances, the assessment of French proficiency for English speaking teachers was an interview, sometimes accompanied by a written assignment conducted by the coordinator of French programs or by a French-speaking principal. Very few of these were standard tests with standard scoring.

One school board uses a personality assessment known as the Work Approach and Behaviour Test. This is a test developed externally to the board and in general use beyond the teaching profession. In the board that uses this test, it is the first hurdle in the employment process – an applicant who does not pass the test is not considered, and cannot retake the test for 12 months. Directions sought but was unable to find any information about the psychometric evaluation of the instrument or of any assessment of cultural bias.

“We are having to hire people who are unqualified”

Despite the statements made in the Phase I consultations with the employer associations, there was no evidence in the interviews that boards were being required to employ or assign teachers who were not qualified for the positions.¹⁵ Moreover, there was no evidence from the interviews that there had been any increase in unsatisfactory teacher performance following the implementation of Regulation 274.

Directions encountered a small number of instances where none of the most senior, qualified applicants who apply for a permanent or long-term occasional position met the board’s requirements. The few instances where we were told that a candidate did not meet the boards’ requirements were almost exclusively for assignments requiring French language. In these instances, individuals who possessed a Part I Additional Qualification in French were sometimes unable to satisfy the board that the quality of their spoken French was at a standard regarded as necessary for the assignment. There was at least one other instance of a highly challenging special education class that was posted as requiring Part 1, Special Education. The board was not confident in the skills and abilities of the applicants to manage the class, and, once the applicants were informed about the nature of the assignment, neither were the candidates. All of the candidates withdrew their applications on learning of the details of the assignment.

The importance of shared information

Unions have an obligation in law to represent their members’ collective and individual interests. In order to do so, they must have access to information about decisions that employer’s make about their members.

Information shared between boards and unions, monitoring processes for compliance

In the interviews, *Directions* asked both board representatives and union representatives what information is routinely shared between the board and the union about the hiring process for long-term occasional teachers, or about the applications of long-term occasional teachers or occasional teachers for permanent positions. Specific inquiry was made about:

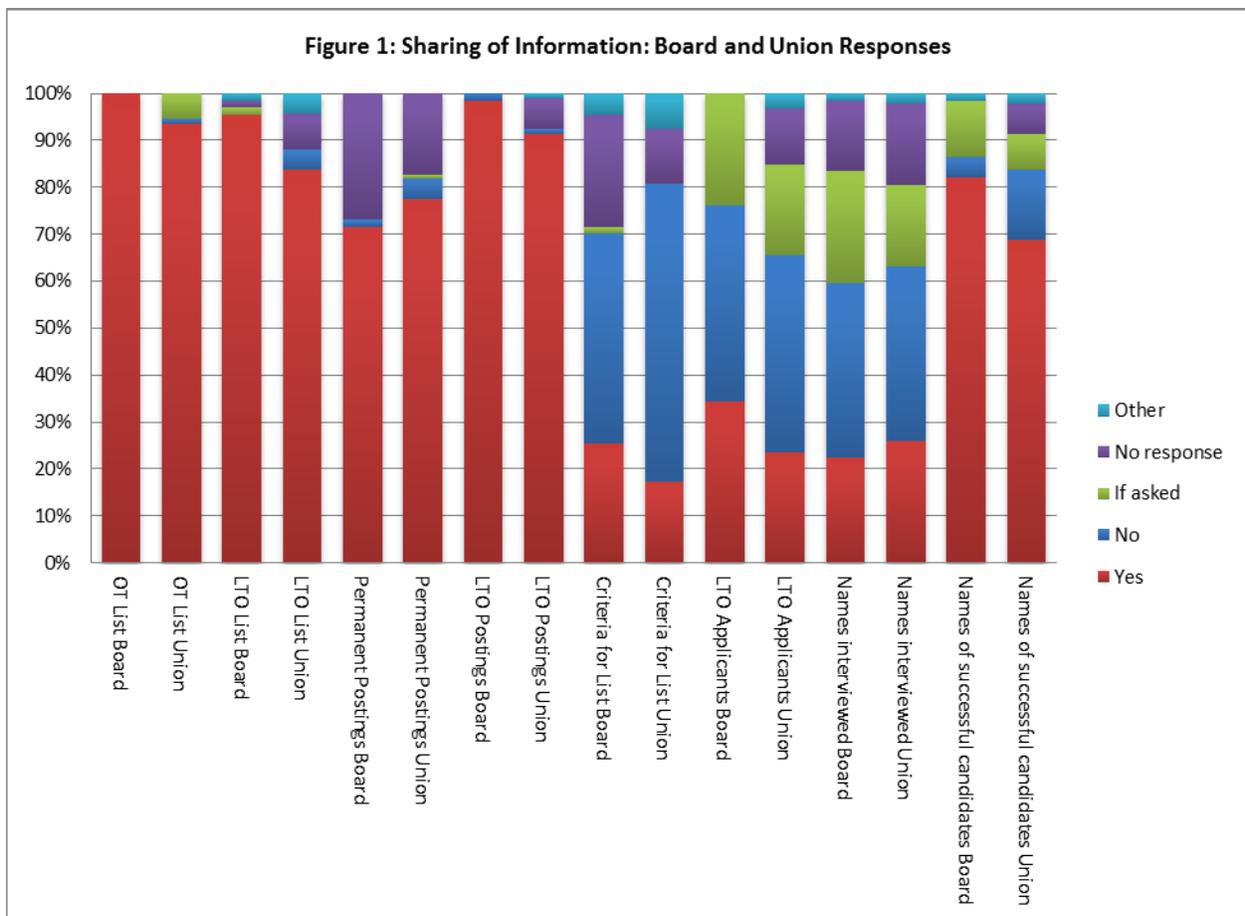
- a. The roster of occasional teachers
- b. The list of long-term occasional teachers
- c. The selection criteria for the long term occasional list

¹⁵ An exception to this would be a Northern board with small communities at considerable distance from one another, where unqualified persons might have to be employed to ensure the safety of students, when no qualified occasional teacher was available for a daily, long term or permanent assignment. The Regulation permits advertising externally if no qualified teacher is available from the long term occasional list or the roster. A person not qualified as a teacher may only be employed with a Letter of Permission from the Ministry of Education.

- d. Postings for regular teaching assignments
- e. Postings for long-term occasional teaching assignments
- f. The names of applicants for each long-term occasional posting
- g. The name of the applicants selected for interviews
- h. The name of the successful applicant

Figure 1 below contains both board and union responses for each of the items a through h above.

Figure 1: Sharing of Information: Board and Union Responses



Most boards provide unions with the information they need to look after the interests of their members either as a matter of routine or upon request of the union. There are, however, notable exceptions. Boards seem reluctant to share the criteria that the board uses for selection to the long term occasional list, the names of applicants for each long-term occasional

positing, the names of applicants selected for interview and the names of successful applicants to a long-term position.

Unions have a legal obligation to represent their members in their relations with employers. When information about the process and criteria used to arrive at a decision about employment is readily available, trust between employers and unions is developed enabling a better and more proactive understanding of the challenges inherent in the employment process. Moreover, access to such information facilitates the ability of the union to represent its members.

Grievances

Forty-nine of the 72 school boards indicated that one or more grievances had been initiated in relation to Regulation 274. In some instances, unions have filed individual grievances on behalf of every teacher who was unsuccessful in an LTO list application, as well as a policy grievance on the process. Another 16 reported that they had had no grievances. The remainder did not provide an answer to the question. Grievances reported by school boards and unions fell into four categories:

1. Initial implementation of the Regulation. Many grievances were initiated to prompt boards to implement the Regulation by establishing a long-term occasional teachers list and proceeded to hire in accordance with past practice.
2. Grievances related to the long-term occasional teachers list: These grievances included individual grievances on behalf of unsuccessful applicants, and grievances about the process itself. Grievances about the long-term occasional teachers list process included:
 - a. Requiring references from principals who had retired,
 - b. Secondary principal conducting interviews with elementary teachers for a position at the elementary school level,
 - c. Refusing to place on the long-term occasional teachers list a teacher who was qualified in mathematics because the teacher's French language competency was judged to be less than satisfactory (The teacher was also FSL qualified.)
3. The process of debriefing candidates following application to the long-term occasional teachers list: These grievances addressed the length of time between the interview and the debriefing process, the content or completeness of the debriefing process, and the question of union representation at the debriefing meeting if it was face to face.
4. Sharing information with the union. Elsewhere in the report we describe the degree to which school boards share information with the union. In a number of cases, the unions have grieved that without information about the long term occasional list, access to postings, and/or access to the lists of applicants and interviewees, they cannot determine board compliance with the Regulation.

The most common of the grievances that we encountered was associated with the perceived failure of boards to initiate the processes required by Regulation 274. In French language school boards, most differences had been referred to their existing alternative dispute resolution mechanism.

Individual grievances filed by the unions concerned not being placed on the LTO List, and such matters as not offering an applicant an interview, the perceived failure to debrief or to debrief in a timely fashion, and perceived discrimination on the basis of age in populating the long-term occasional teachers list, or in making assignments from the OT roster when the LTO list was exhausted. At the time of the interviews, some of the grievances had been resolved, some were in abeyance, and others were proceeding to arbitration.

Multiple Meanings and Inferences

During both consultation phases, the team learned of multiple, sometimes inconsistent, and erroneous interpretations of Regulation 274 and the relationship between collective agreements and Regulation 274. Interpretations of local collective agreements and their relationship to provincial regulations such as Regulation 274 are typically subject to discussion between parties to the agreement and disagreements about interpretation are typically addressed under the prescribed dispute mechanism in the local collective agreement.

Examples of inconsistent interpretations of the Regulation include:

- The local collective agreement provided for adult and continuing education teachers to be able to apply for permanent teaching positions. Regulation 274 was considered to have disallowed this.
- Regulation 274 appears to require the posting of all long term occasional assignments, but many boards rely on previous collective agreement regarding advance knowledge of the absence or the length of the absence to limit the number of positions posted. Length of absence provisions for postings range from 10 days to 61 days.
- The permanent teachers' collective agreement provides for permanent part-time teachers to be able to increase their FTE through applying for permanent or long term occasional positions; the occasional teachers bargaining unit says that these must be on the occasional and/or long-term occasional list, and must have their occasional teaching seniority considered.

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- The collective agreement provided that the most senior qualified applicant from the occasional teacher list must be hired; the board uses Regulation 274 to permit it to select from among the five most senior, qualified.

In these cases, there is a conflict of interpretation between the Regulation and the previous or current collective agreement practice. The actual practice based on the previous collective agreement language appears to deviate substantially from the implied but not specified intentions of the Regulation. For instance, collective agreement language that says that no long term assignment will be posted that is not known in advance permits a board to avoid posting positions of considerable length that become known to be long-term shortly after they have begun.

Although it is beyond the scope of this research to correct misinterpretations or to attempt to resolve inconsistencies, we note that typically:

- Where a regulation is silent on a particular matter and there is an existing local collective agreement provision that addresses the matter, the provisions of the local collective agreement would apply.
- Where a regulation and the local collective agreement are silent and there is no past practice, the management rights clause of the collective agreement would normally apply, allowing the employer to make a reasonable business decision to address the issue. Nevertheless, if there is a provision requiring consultation between the parties, it seems reasonable that such discussions should be used to reach agreement on new practices that are both effective and consistent with the regulation, and the obligation to implement an effective process in accordance with the regulation rests with the employer.
- Where a regulation and the local collective agreement are silent on the matter, but there is a past practice, the management rights clause of the collective agreement would normally apply to allow the employer to make a reasonable business decision to address the issue.
- Where there is a provision requiring consultation between the parties that has not already been used to develop the past practice, it seems reasonable to expect that that such discussion should be used to reach agreement on a practice so long as the agreement is consistent with the intent of the regulation.

Classrooms in which there are multiple teachers

During Phase I consultations with provincial organizations, board and principal organizations expressed concern that Regulation 274 disturbed the continuity of instruction in classrooms.

The impression conveyed was that this occurred frequently, resulting in as many as five teachers in an absent teacher's classroom. Directions attempted to investigate the prevalence of discontinuity in instruction in a classroom and how Regulation 274 might contribute to discontinuity. When a teacher is absent for a day and, then, says s/he will be absent for a second day, the ability to retain the daily occasional teacher assigned to that classroom on the first day for the second day varies considerably across boards. This practice is outside of the provisions of Regulation 274. Thus, the matter of a classroom having multiple teachers with attendant discontinuity of instruction emanates from more than the Regulation.

Having heard in Phase I of our investigations that a teacher moving from one long term assignment to another before the first was concluded was a major contributor to the loss of teacher continuity, we inquired further about this in Phase II. Many boards allow teachers who have begun a long-term assignment to apply for and accept another long-term assignment that begins before the conclusion of the first assignment but under limited circumstances (generally to increase their FTE, or for a significant increase in duration). In other boards such a practice is permitted by mutual consent and, in others, simply prohibited. Some local unions advise members that jumping is risky because doing so may alienate the principal of the school the teacher is leaving, thus placing a natural limitation on movement. Other local unions believe that the language of the Regulation grants the right to apply for any position if one is on the LTO list.

It should be noted that board practice regarding mid-term change in permanent assignments is also variable. For example, when a permanent position becomes vacant mid-term, some boards permit teachers on permanent contract to be named to that assignment at mid-semester, but appoint a long term occasional teacher to cover the permanent position until the end of the semester. However, in boards where collective agreements are silent on the matter, some boards permit the move rather than exercise their management right to prevent a mid-term movement. Teachers in long-term assignments who are on the long-term occasional teachers list are entitled under the Regulation to apply for a permanent position that becomes available. Some boards do this as a paper transaction, leaving the teacher in the first long-term assignment and moving the teacher into the permanent position only at the conclusion of the school year or semester. Others permit the teacher to begin the permanent assignment immediately.

Unintended Consequences: Continuing Education Teachers

There appears to be an unintended consequence of Regulation 274 affecting adult education teachers and continuing education teachers. Many boards employ qualified teachers in adult day school programs, delivering Ontario secondary school credits on short-term or annual

contracts at an hourly rate. These individuals may not obtain a place on the list of long term occasional teachers because they are not considered eligible to apply under the terms of the Regulation, not having worked 20 days in ten months as an occasional teacher. Some of these boards had language in their collective agreements which provided access for these teachers to apply to permanent positions. In several boards that language is now considered to be inapplicable in the face of the Regulation. There should be clear provisions providing access to application for permanent work for teachers such as these, who have often been in the employ of the board for at least as long as many occasional teachers. (It should be noted that there are also boards who employ teachers in these positions on permanent contracts, and at least one board where there is a mix of grand-parented permanent contract teachers and short term contract teachers in adult education.)

Differences among the French Catholic, French Public, English Catholic and English Public boards

In the French language school boards, AEFO generally represents elementary and secondary occasional and permanent teachers within the same bargaining unit. In the English Catholic boards, the occasional teachers are often combined into a single combined (elementary and secondary) roster and LTO list. Some of the OECTA locals represent both occasional and permanent teachers, others have separate bargaining units. All ETFO bargaining units are separate for occasional and permanent teachers; OSSTF is predominantly separate bargaining units, with a few exceptions where the occasional teachers are either combined with the permanent teachers or represented by the permanent teachers' bargaining unit.

Benefits and Drawbacks of the Regulation

During the course of the interviews, Directions asked each local union and each school board about the benefits and drawbacks of Regulation 274. What follows is a high level summary of what was said. Some are direct quotations; others have been paraphrased to represent a group of similar statements. We were interested that there were some benefits and drawbacks on which both sides agreed; not surprisingly, there were other benefits and drawbacks that were seen differently.

Each of the following sections begins with items on which there was agreement or substantial similarity, followed by those which were viewed differently from the union and board perspective.

Benefits of Regulation 274 on which there was agreement or similarity between boards (B) and unions (U):

- Teachers are being interviewed and appointed now who weren't before – and we're getting very good feedback about some of these. (B)
- Teachers are being seen and considered by principals who not previously have selected them for interview because they weren't known to the principal. (U)
- There are more opportunities for the teachers, and more opportunities for the principals to see candidates. (B)
- Principals are discovering that there are good and outstanding teachers on the OT and LTO lists. (U)
- Now that we have to look at the five most senior, qualified applicants more senior occasional teachers are getting an opportunity. (B)
- For those who make the LTO list, access to permanent employment opportunities is a big gain. (U)
- The Board has improved its human resources and hiring practices through the process of implementing the Regulation.(B)
- The Regulation has forced the board to review its hiring practices and make changes. (U)
- The bar has been raised about selection to the LTO list and the requirement to give real feedback to applicants about their future prospects. (B)
- There's more respect for long term occasional teachers now and better access to permanent jobs for those on the LTO list. (U)
- We're seeing better teachers in front of kids now. Principals have had to be more diligent in performance appraisal, and have been pushed to clearly identify strengths and weaknesses. (B)
- Now we know that all applicants and appointees to permanent positions are appropriately qualified. Evaluation is a good concept. (U)

Additional benefits as seen by the Boards:

- Under the previous process in the Collective Agreement, the board had to select the most senior, qualified applicant from the OT list. We can now choose from among the top five.
- Teachers are now expected to prove themselves in the classroom before being hired.
- The changes seem fair from an employee perspective.
- Debriefing provides the opportunity to grow and improve.

- We're getting better at having honest conversations with those who are really struggling.

Additional benefits as seen by the unions:

- Previously there was a strong preference for young teachers straight from the faculties of education. If you were an occasional teacher and weren't known to the principal with the opening, you weren't aware of the opportunity and weren't considered. Now teachers know of the opportunities and must be considered.
- We've seen an enormous increase in the number of positions posted. Before the Regulation, occasional teachers didn't know what was available to apply for.
- The new practices give occasional teachers some ability to plan for the longer term – they can see a path to obtaining long-term assignments and eventual permanent employment.
- Under the new rules, those who hired who are related to administrators or other educators (including teachers) are now seen as legitimate rather than being suspected of benefiting from their connections.

Drawbacks of Regulation 274 on which there was agreement or similarity between boards (B) and unions (U):

- Lack of mobility for experienced teachers between boards. (B and U)
- The morale of those who didn't make the LTO list is very low. (B)
- Teachers who don't make the LTO list see this as a career-ending judgment on their competence. They're devastated. (U)
- The rigorous LTO list process can deny opportunities to develop through long term assignments to those who don't clear the bar. (B)
- Teachers who don't make the LTO list need to understand more clearly what the actual implications are. They need support, honesty and real opportunities to improve and be reassessed. Regulation 274 doesn't provide for this. (U)
- Experienced occasional teachers who didn't make the LTO list are confused when a (long-term) position is posted to the occasional teacher roster and they seem to be able to apply and may be appointed. Can they still get on the LTO list? Can they be evaluated?(U)
- Things feel much more litigious – lots of grievances. (B)
- Regulation 274 is not always clear and has gaps which lead to conflicting interpretations, resulting in grievances. (U)

Ontario Regulation 274: Final Report

- New graduates (from our communities) become discouraged because of the lengthy time to full employment, or the complete absence even of occasional teaching opportunities. (B)
- Young teachers are giving up (or leaving the publicly funded system) because they don't see hope for sufficient employment in the publicly funded schools. (U)
- The Regulation has been expensive in time and money because of the volume of interviews required and the commitment of time from human resources staff. (B)
- The Regulation is requiring a great deal of union time to monitor and stay on top of. (U)

Additional drawbacks as seen by the Boards:

- We can't require additional experience or certificates beyond the requirements of Regulation 298 (for divisional and teachable qualifications, and Special Education or FSL where applicable).
- We have had principals and vice-principals who wanted to return to teaching – they can't be accommodated under the terms of the Regulation.
- Teachers are moving from LTO to LTO before the end of the first assignment and creating continuity problems in classrooms.
- We're finding it challenging to evaluate daily occasional teachers.
- There is no provision in the Regulation to find after interviews that no one is suitable (e.g. a class for students with autism, and no teacher with a qualification beyond Part 1 Special Education).
- We've had issues with a teacher on the LTO list applying more than 50 times for long term and permanent positions. Because the teacher is senior, s/he is being interviewed repeatedly and not being successful.
- The Regulation doesn't allow for the removal of a teacher from the LTO list.
- There is no limit to the number of applications a teacher may submit. In a large board, 100 elementary positions could be posted simultaneously, and a teacher could apply for all of them.
- We're unable to select the best candidate.
- There is no limit to the number of times an experienced occasional teacher can apply to the LTO list.

Additional drawbacks as seen by the unions:

- Keeping the LTO list short looks like a deliberate attempt to sabotage the Regulation's intentions.

- There is no requirement in the Regulation for the board to provide relevant information to the union – this makes monitoring difficult and forces grievances when there could be conversations.
- Still seems to be a definite bias on the part of the board toward younger applicants – both in who is placed on the LTO list and who is hired if they go to the OT roster when the list is exhausted.
- We’re still hearing about “best before dates” having been passed, or that “you won’t ever get a permanent job here because you’re 50 years old”.
- There is no standard about the level of detail required in a posting (e.g. special education class v. special education class for students with multiple exceptionalities, some of whom are non-verbal).
- There is still some manipulation of opportunities: through a very short LTO list, that is quickly exhausted in some subjects; through teaching timetables that are changed once the position is filled; through discouraging teachers from applying for maternity leave in a timely way, in order to take advantage of the “known in advance” provision for posting in the collective agreement.
- Debriefing often has too little of substance for the candidate to see how to improve.
- A large number of LTO assignments are never posted because of the board’s practice (from a previous collective agreement) of only posting if the position is known in advance. This applies even to full-year leaves.
- Teachers with seniority who don’t make the LTO list have diminished their opportunity to make a reasonable living.
- Ontario certificated teachers of credit courses in some adult day programs are denied the opportunity to progress to full, permanent employment without first becoming daily occasional teachers, even though they are working full-time for the board.
- The LTO list process requires references from principals based on observation of the teacher, but the board has no policy requiring the principal to evaluate or observe.
- There’s a “Catch 22” for the teacher who gets a negative evaluation in an LTO assignment – the board won’t permit that teacher to be assigned long term work again, and the teacher there can’t be evaluated again to see if there’s improvement.

Key findings of the investigation

In summary, the following are the key findings derived from the Phase II interviews:

- Ontario School Boards were unaware that Regulation 274 was to become provincial policy prior to its announcement and, thus, largely unprepared for its implementation.
- There was no provision of support for the implementation of Regulation 274.

- There was general acknowledgement that fairness and transparency in hiring were desirable.
- Many Ontario school boards were concerned about the loss of their autonomy to determine their own hiring practices.
- Implementation of the Regulation varied widely across the 72 school boards in such areas as the processes for being placed on long term occasional list, the practices regarding posting of long term occasional positions, the length of the long-term occasional list relative to the permanent teaching population and the frequency with which the long term occasional list was refreshed.
- Some boards appear to have sought and found workarounds to permit them to reduce or avoid the requirements to post and fill from the long term occasional list.
- The future employment of occasional teachers was not top-of-mind for most boards before the Regulation.
- Many (maybe most) boards have not previously seen an orderly path to permanent teaching with occasional teaching as the normal or primary point of entry to the profession.
- There appeared to be some reluctance to employ individuals who have been occasional teachers for many years and individuals who come to teaching later in life.
- The issues giving rise to Regulation 274 and the implementation challenges faced by unions and boards were substantially similar across all sectors (French Catholic, French public, English Catholic and English public).
- Implementation issues were compounded by a lack of resources and guidance from the Ministry of Education to school boards, and by the conflict (as evidenced by grievances in the early stages) between unions eager to see the Regulation implemented and Boards that questioned the necessity of the Regulation.
- Most occasional teachers are not evaluated, making assessment for long-term and permanent assignments more challenging.
- Processes for hiring teachers to permanent positions or being placed on the LTO list rely on interviews and references and rarely, if ever, involve direct observation of the teacher instructing students. .
- Regulation 274 was developed to specifically address the employment process for occasional teachers to become permanent teachers, but failed to take into consideration the impact of the Regulation on other teachers employed by the board, including redundant teachers (where the collective agreement doesn't provide for recall), teachers of adult education credit courses, and, in some instances, part time permanent teachers seeking to increase their full-time-equivalency.
- No instances were found of the Regulation's application resulting in a teacher being employed in a position for which he/she was not qualified.

- A reluctance to share information with the unions on the part of some boards and an extremely literal interpretation of the Regulation's requirements by some union locals have exacerbated the problems of implementation of the Regulation.
- There is no commonly understood guideline to determine when a long term assignment should be posted. The Regulation does not define a long term assignment, resulting in a default to the collective agreement definition of long term for salary purposes, or to some other interpretation based on pre-Regulation 274 practices or of collective agreements.
- Boards and unions expressed widespread concern regarding the lack of mobility for permanent teachers who wish to move from one board to another.
- While concern about continuity of instruction appears to be an issue in some boards, some school boards have used practices that minimize the number of teacher assigned to a particular classroom.

Considerations and Conclusions

As indicated earlier in this document, *Directions* was asked also to take into account the government's commitment to removing barriers that may "impede fair practice with respect to hiring, mentoring, promotion, and succession planning" (Realizing the Promise of Diversity, 2009) and to be guided by two principles:

- that hiring decisions should be made without reference to the personal interests of those making the decision and without reference to the grounds protected under the Ontario Human Rights Act - unless expressly permitted as a consequence of legislation or court decision, and
- that any assignment or appointment of a person to a teaching position shall be made with due regard for the provision of the best possible program and the safety and well-being of pupils.

These principles were important contextual considerations in this study as was Ontario's Mission Statement for education:

Ontario is committed to the success and well-being of every student and child. Learners in the province's education system will develop the knowledge, skills and characteristics that will lead them to become personally successful, economically productive and actively engaged citizens.

Ontario will cultivate and continuously develop a high-quality teaching profession and strong leadership at all levels of the system. Our education system will be characterized by high expectations and success for all. It will be responsive, high quality, accessible and integrated from early learning and child care to adult education.

Together, we will build on past achievements and move forward with ambitious goals.
(<http://www.edu.gov.on.ca/eng/about/excellent.html>)

The uncertain path to employment as a teacher

In times of rapid enrolment growth, recent graduates would have expected to be hired soon after earning certification. Today the typical pathway to permanent employment includes a lengthy period of episodic employment as a daily occasional teacher. In most areas, the supply of occasional teachers is sufficiently great that many occasional teachers seek opportunities in adjacent school boards in order to earn a marginal income. Opportunities as a long term occasional teacher promise a steady income during that period of employment, engendering intense competition among applicants for those limited opportunities.

Despite an oversupply of teachers in Ontario, there are schools in remote and rural communities that have difficulty attracting and retaining sufficient qualified teachers. Even in less remote and better populated areas, schools report consistent shortages in certain specialized teaching areas (notably French and Technological Studies). The challenge of attracting and retaining qualified teachers is juxtaposed with intense competition among a large number of applicants for the scarce opportunities that exist in those regions where enrolment is steady or declining and, even, in those regions experiencing enrolment growth. There are simply too few jobs as permanent, contract employees available for the number of qualified teachers seeking work in Ontario.

Unsuccessful candidates will always question decisions, whether there is an oversupply or not. But, a lack of transparency regarding the selection process and limited requirements that decisions be justified can only exacerbate suspicion, cynicism and mistrust. Providing a predictable pathway to employment (occasional, long-term and permanent) will go some way toward alleviating the suspicion about decisions that are made.

Identifying and Selecting the Best Teachers

Throughout both phases of the project, Directions heard repeatedly from board representatives that it was vital to identify and select the “best teachers.” When probed about the meaning of “best,” respondents typically referred to the immediate needs of a particular school rather than specific teaching abilities. Respondents had difficulty articulating or defining what the characteristics of the best teachers were. One of the first considerations for those concerned with attracting the “best teachers” is to articulate a defensible conception of what constitutes good teaching that is informed by the accumulated evidence rather than the predilections of those making the hiring decisions.

With regard to teaching qualifications, there was broad agreement among all parties that divisional qualifications were required for elementary school teachers and that divisional qualifications and appropriate teachable subjects on the Ontario Teacher Certificate of Qualifications were appropriate for secondary school teaching assignments. When asked about a secondary assignment with mixed subjects, there was less agreement. In the event that there were no candidates with both subjects on their OTQRC, some boards would use the general studies provisions of Regulation 298 to make a fit. Others would split the position and repost. Most interviewees accepted that an assessment of French proficiency was necessary for French immersion programs; there was less agreement about the need for proficiency rather than an FSL qualification for a core French position. There was general recognition that some special education assignments required more than Special Education Part 1 qualifications (a class of multiple exceptionalities or students with severe autism for example), but little agreement about what specifically those qualifications should be. A posting that clearly describes the class and student composition will help applicants make appropriate decisions about whether to apply. These are also circumstances where boards and unions have discussed the requirements of the specific assignment and generally found agreement.

Areas for further study

A developmental path to permanent teaching

According to the present wording of Regulation 274 access to the list of long term occasional teachers is the starting point for filling long term absences and permanent positions with individuals considered by the board to be appropriate for either type of work. We believe that the Regulation is mismatched with two realities of teaching. One reality is that occasional teachers need exposure to longer term assignments to develop the full repertoire of teaching skills. The second is that not all teachers appropriate for a long term assignment are ready for permanent positions.

Some consideration might be given by boards to organizing occasional teaching so that a group of teachers is assigned to a school or group of schools, increasing the probability of the occasional teachers becoming familiar with permanent teaching colleagues, students and administration.

Seniority is often used as a proxy for teaching experience. We explored in Phase I the possibility of using accumulated teaching experience in the board as a criteria rather than time elapsed since placement on the board's occasional teacher list. There is research evidence that shows that experienced teachers are more effective in classrooms than inexperienced

teachers¹⁶. While there was some interest expressed in such a change, local unions were wary. Many of the local unions generally perceived or believed that preferred lists in the assignment of occasional teachers or workarounds regarding posting requirements provided opportunities for manipulation of who is able to accumulate teaching experience. We have suggested elsewhere in this report that effective evaluation and support for occasional and long-term occasional teachers should be an essential part of the developmental path to permanent teaching. To that end, there might be one list of occasional teachers ordered by seniority that indicates whether the teacher has been evaluated as an occasional teacher, whether the teacher has had been assigned to long-term assignment in which the teacher has been evaluated, and whether the teacher was considered ready to hire to a permanent position. Some board and union representatives interviewed voiced interest in a single list with distinctions, rather than an occasional teacher roster and a long term occasional teacher list. At present, not being “ready to hire to permanent” has become a barrier to obtaining long-term assignments in which mentoring and evaluation can occur. A single list process might effectively remove that barrier, and establish a fair, well-understood non-discretionary process for evaluation, feedback and improvement over time.

Regulatory Compliance

As a consequence of our deliberations and reflections, we have identified a number of issues that we believe deserve further consideration by the Ministry. In the course of the interviews we encountered examples of non-compliance or modified compliance with the spirit of the Regulation. The Ministry may wish to consider the impact of partial or modified compliance and whether it would be desirable to establish a compliance standard, with a mechanism for approved deviation.

Information Sharing

One area that deserves special mention here is the necessity of sharing information. Unless they possess information about the decision-making process, people or groups are unable to protect their legitimate interests in the face of those who, with or without malice, have the power to make decisions affecting them. Neither individual teachers nor the unions

¹⁶ See, for example, Biniaminov, I. and N.S Glasman (1983) School determinants of Student Achievement in Secondary Education. *American Educational Research Journal*. 20(2), 251-268; Mulholland, L. and D.C. Berliner (1992) Teacher Experience and the Estimation of Student Achievement, Paper presented at the Annual Meeting of the American Educational Research Association; Nye, B., Konstantopolous, S. and L.V. Hedges (2004) How Large are Teacher Effects, *Educational Evaluation and Policy Analysis*, 26(3), 237-257; Jepsen, C. and S. Rivkin (2007) Class Size Reduction and Student Achievement: the Potential Tradeoff between Teacher Quality and Class Size. *The Journal of Human Resources*. 44(1), 223-250; Huang, F.L. and T.R. Moon (2009) Is experience the best teacher? A multilevel analysis of teacher characteristics and student achievement in low performing schools. *Educational Assessment, Evaluation & Accountability*. 21:209–234

representing them can safeguard their interests unless boards provide information about the process of hiring. The Ministry might wish to consider whether to require that such information is routinely provided by boards to unions so that the latter has confidence in and can scrutinize the decisions that boards make about the opportunities afforded to teachers.

Teaching Experience versus Time on the Occasional Teacher Roster

The Ministry may want to consider further the question of using accumulated teaching experience in the board as the determinant of one's rank in the employment competition. There are pros and cons to such an approach: it may further encourage workarounds to posting provisions to give selected teachers an advantage; but it would recognize the value of experience in effective teaching.

Minimum List Length and Timeframe for Refreshing LTO list

Consideration should be given to requiring that the list of long term occasional teachers be sufficient to accommodate the demands placed upon it. This would avoid the perception that list length is being manipulated to circumvent the Regulation. An important related consideration with respect to list maintenance is the need for a known timeframe during which the list will be refreshed.

Minimum Posting Requirement

Establishing minimum requirements for posting positions is consistent with the desire to bring order to a process that previously was somewhat chaotic is worth considering. Consideration might be given to requiring that an absence that will extend to be 20 days or more in duration (from the time that it is known) must be posted as a long-term assignment.

Ensuring Continuity of Instruction

Consideration might also be given to two related matters. One is allowing a teacher hired for a short term teaching assignment that becomes a long term assignment to remain in the position until it is completed so long as that teacher is already on the list of long term occasional teachers and meets the qualifications requirements for the position. The other is that, regardless of the length of a long term assignment, the incumbent may only apply for another long term assignment in that board that begins after the conclusion of the one to which s/he is presently committed.

Support for Human Resources

Consideration should be given to the support that might be provided to boards to develop effective practices and to transitional processes for the implementation of a change of this scale. Support and transitional processes should address such issues as workload and the capacity of the board to manage both the mechanics of the change and the change in culture that might be required.

In this regard, the Ministry might wish to consider the Council of Ontario School Human Resources Officers (COSHRO) as a vehicle for such support. Support for human resources might also include resources, training and symposia about effective practices for school board and union personnel conducted by persons with recognized expertise.

The hiring and assignment of teachers by boards might be advanced by the establishment of provincial guidelines for board hiring practices and periodic checks for compliance, enhancing public confidence in public schools. As part of the process boards might report on the use of occasional teachers, the duration and frequency of long-term assignments, and the evaluation of occasional teaching and long-term occasional teaching of less than 4 months duration.

More Efficient Application Processes

Consideration might be given to joint agreements by boards and unions to streamline or “batch” process applications and interviews at those times in the year when a number of positions are available. In such a process, multiple positions are posted simultaneously, the applicants indicate which positions they are applying for, the board shortlists and has a panel of principals interview and then select according to the requirements of the Regulation. This would alleviate the problems caused by posting each position individually and having each principal create an interview list, only to discover that the interviewees have already been placed as a result of having applied for several positions. Consideration could also be given to a centralized application and placement process particularly at those times of the year with a high volume of long term assignments to be filled. Such a process would benefit by the union having observer status, as many do in surplus placement processes.

Consideration for Mobility of Teachers Employed in Other Jurisdictions

This issue was raised by both board and union representatives repeatedly, as well as with the provincial unions and associations. A minimum solution to this challenge might be to permit the teacher who has been employed full-time for a period of three years and is moving from one employer to another, to apply to the long term occasional list without first having to work 20 days in 10 months as a daily occasional teacher.

Centralized Hiring and Timely and Consistent Dispute Resolution

Consideration should be given to centralized hiring practices instead of the dominant current practice of ‘hiring’ by principal recommendation or decision. Centralized processes may be more efficient, more consistent and more easily monitored, ensuring that decisions are made with regard to board-wide needs and goals. Teachers are school board employees not employees of the schools in which they are placed. While a teacher may teach for an extended period of time in a school, teachers are typically mobile over the course of their careers – teaching in several schools.

Consideration should also be given to a mechanism whereby disputes about the interpretation of the Regulation can be addressed quickly and consistently across boards. The present situation where these are left to standard grievance processes permits the possibility of arbitrators or the parties arriving at solutions that are inconsistent from jurisdiction to jurisdiction, or even bargaining unit to bargaining unit in the same jurisdiction. In our view the resolution of disputes about the advertisement of LTO positions, the process of informing potential applicants about such postings, the selection of candidates for interviews, and the decisions made about hiring long term occasional teachers should occur in a timely fashion, be consistent with similar resolutions of the same dispute on prior occasions should occur with as little cost to the parties as can be achieved.

Appendix 1: Invitations and Questions

Ministry of Education

Minister

Mowat Block
Queen's Park
Toronto ON M7A 1L2

Ministère de l'Éducation

Ministre

Édifice Mowat
Queen's Park
Toronto ON M7A 1L2



January 9, 2014

Dear Directors:

I am pleased to write you to provide an update on the progress made in the ongoing discussions about possible improvements to the process outlined in Regulation 274. As you are aware, last fall I asked Ruth Baumann and Charles Ungerleider of *Directions Evidence and Policy Research Group* to carry out a two-phase process examining the implementation of Regulation 274 and to identify possible improvements to the regulation.

In the first phase, Charles and Ruth met with provincial organizations representing teacher federations, trustee groups and administrators to hear about implementation issues and specific suggestions for improvement to the regulation. The meetings with the provincial organizations have been positive and have allowed them to identify some possible improvements to the hiring process for which there might be broad agreement at the provincial level. In recognition that staffing processes begin in school boards early in the new year, Charles and Ruth were asked to move quickly in this first phase so that we could take advantage of the insights provided through these solution-seeking discussions. I expect them to provide me with a report in the coming weeks.

With the first phase near completion, Charles and Ruth will now undertake the fact-finding phase aimed at seeking documented evidence/experience of the impacts of the regulation's implementation in each school board across the province. In this second phase, they will meet with representatives of every school board and its local teacher unions (primarily by teleconference) in order to gather facts related to current effective hiring practices, positive outcomes and challenges of the regulation. This second phase of the process is to ensure that all school boards, teacher federations and board associations are included and that the full range of experiences with the regulation across the province has been captured.

The questions for this second phase of inquiry by Charles and Ruth are attached to allow adequate time for consideration and formation of responses.

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Please provide Ruth and Charles with the name(s) and contact information for your designated representative(s) by means of an e-mail message to regulation274@directions-eprg.ca with your organization's name and Regulation 274 on the subject line in the following format: Regulation 274 – Organization Name.

It is important that information is obtained from all parties and I thank you in advance for your work in ensuring there is broad active participation in this important second phase of the process.

Sincerely,

A handwritten signature in black ink, appearing to read "Liz Sandals". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Liz Sandals
Minister

c: Board Chairs

Ministry of Education

Minister

Mowat Block
Queen's Park
Toronto ON M7A 1L2

Ministère de l'Éducation

Ministre

Édifice Mowat
Queen's Park
Toronto ON M7A 1L2



Le 9 janvier 2014

Mesdames, Messieurs,

Je suis heureuse de vous communiquer les plus récents progrès accomplis dans les discussions en cours au sujet des améliorations qui pourraient être apportées au processus décrit dans le Règlement 274. Comme vous le savez, j'ai demandé en automne à Ruth Baumann et Charles Ungerleider, du Directions Evidence and Policy Research Group, d'effectuer un examen en deux étapes de la mise en œuvre du Règlement 274 et de déterminer les améliorations possibles à ce règlement.

Pour la première étape, Charles Ungerleider et Ruth Baumann ont rencontré les organisations provinciales représentant les fédérations d'enseignantes et enseignants, les groupes de conseillères et conseillers scolaires et les administratrices et administrateurs pour connaître les problèmes liés à l'application du Règlement et recueillir des suggestions précises concernant les améliorations à y apporter. Les rencontres avec les organisations provinciales se sont avérées positives et ont permis de cerner un certain nombre d'améliorations possibles au processus d'embauche susceptibles de bénéficier d'un large consensus à l'échelle provinciale. Sachant que le processus d'embauche s'amorce dès le début de la nouvelle année dans les conseils scolaires, nous avons demandé à Charles Ungerleider et Ruth Baumann de procéder rapidement à cette première étape, de sorte à profiter de la réflexion suscitée par les discussions visant à trouver des solutions. Je m'attends à recevoir leur rapport dans les semaines à venir.

La première phase étant presque terminée, Charles Ungerleider et Ruth Baumann vont maintenant entreprendre la phase de l'enquête sur l'impact de l'application du Règlement dans chacun des conseils scolaires de la province. Dans cette seconde phase, ils rencontreront des représentants de chaque conseil scolaire et du syndicat local d'enseignants (surtout par téléconférence), afin de recueillir des faits sur les pratiques d'embauche efficaces actuelles, les résultats positifs et les difficultés liées au Règlement. Ils veilleront à inclure tous les conseils scolaires, toutes les fédérations d'enseignants et toutes les associations de conseils scolaires et à prendre en compte la gamme complète d'expériences relatives au Règlement dans la province.

Les questions qui seront posées par Charles Ungerleider et Ruth Baumann dans cette seconde phase sont jointes à la présente afin de prévoir suffisamment de temps pour la réflexion et la formulation des réponses.

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Veillez transmettre par courriel à Charles Ungerleider et Ruth Baumann les noms et coordonnées de votre représentant ou de vos représentants désignés à l'adresse regulation274@directions-eprg.ca en indiquant dans l'objet le nom de votre organisation et les mots « Règlement 274 », selon le format suivant : Règlement 274 – Nom de l'organisation.

Il est important que toutes les parties puissent fournir l'information demandée. Je vous remercie à l'avance de veiller à ce qu'il y ait une large participation à cette importante seconde phase de l'examen.

Veillez agréer, Mesdames, Messieurs, l'expression de mes sentiments les meilleurs.

La ministre de l'Éducation,



Liz Sandals

c: Directions des conseils scolaires

Ministry of Education

Minister

Mowat Block
Queen's Park
Toronto ON M7A 1L2

Ministère de l'Éducation

Ministre

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Regulation 274 – Local's Name.

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Sincerely,

A handwritten signature in black ink that reads "Liz Sandals". The signature is written in a cursive, flowing style.

Liz Sandals
Minister

Ministry of Education

Minister

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Le 9 janvier 2014

Mesdames, Messieurs,

Je suis heureuse de vous communiquer les plus récents progrès accomplis dans les discussions en cours au sujet des améliorations qui pourraient être apportées au processus décrit dans le Règlement 274. Comme vous le savez, j'ai demandé en automne à Ruth Baumann et Charles Ungerleider, du Directions Evidence and Policy Research Group, d'effectuer un examen en deux étapes de la mise en œuvre du Règlement 274 et de déterminer les améliorations possibles à ce règlement.

Pour la première étape, Ruth Baumann et Charles Ungerleider ont rencontré les organisations provinciales représentant les fédérations d'enseignantes et enseignants, les groupes de conseillères et conseillers scolaires et les administratrices et administrateurs pour connaître les problèmes liés à l'application du Règlement et recueillir des suggestions précises concernant les améliorations à y apporter. Les rencontres avec les organisations provinciales se sont avérées positives et ont permis de cerner un certain nombre d'améliorations possibles au processus d'embauche susceptibles de bénéficier d'un large consensus à l'échelle provinciale. Sachant que le processus d'embauche s'amorce dès le début de la nouvelle année dans les conseils scolaires, nous avons demandé à Ruth Baumann et Charles Ungerleider de procéder rapidement à cette première étape, de sorte à profiter de la réflexion suscitée par les discussions visant à trouver des solutions. Je m'attends à recevoir leur rapport dans les semaines à venir.

La première phase étant presque terminée, Charles Ungerleider et Ruth Baumann vont maintenant entreprendre la phase de l'enquête sur l'impact de l'application du Règlement dans chacun des conseils scolaires de la province. Dans cette seconde phase, ils rencontreront des représentants de chaque conseil scolaire et du syndicat local d'enseignants (surtout par téléconférence), afin de recueillir des faits sur les pratiques d'embauche efficaces actuelles, les résultats positifs et les difficultés liées au Règlement. Ils veilleront à inclure tous les conseils scolaires, toutes les fédérations d'enseignants et toutes les associations de conseils scolaires et à prendre en compte la gamme complète d'expériences relatives au Règlement dans la province.

Les questions qui seront posées par Charles Ungerleider et Ruth Baumann dans cette seconde phase sont jointes à la présente afin de prévoir suffisamment de temps pour la réflexion et la formulation des réponses.

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Veillez demander à vos sections locales de transmettre par courriel à Charles Ungerleider et Ruth Baumann les noms et coordonnées de leurs représentants désignés à l'adresse regulation274@directions-eprg.ca et d'indiquer le nom de la section locale et les mots « Règlement 274 » dans l'objet, selon le format suivant : Règlement 274 – Nom de la section locale.

Il est important que toutes les parties puissent fournir l'information demandée. Je vous remercie à l'avance de veiller à ce qu'il y ait une large participation à cette importante seconde phase de l'examen.

Veillez agréer, Mesdames, Messieurs, l'expression de mes sentiments les meilleurs.

La ministre de l'Éducation,



Liz Sandals

Questions for Regulation 274 interviews:

Some of these questions will probably pertain only to the school board side of the fact finding. We have included them all so that both board personnel and union personnel can see what is being asked. If any interviewee does not have the information requested, we will simply note that. We do not expect every interviewee to have answers to all of the questions, but would greatly appreciate your making an effort to provide as much information as you can.

Information about the board and its schools and teachers

1. Please tell us something about your school board:
 - a. How many schools do you have?
 - i. Elementary
 - ii. Secondary
 - b. How many full-time-equivalent teachers?
 - i. Elementary
 - ii. Secondary
 - c. How many part-time regular teachers (head count)?
 - i. Elementary
 - ii. Secondary
 - d. How many students do you have?
 - i. Elementary
 - ii. Secondary
 - e. What is the total number of teachers on the occasional teacher list ?
 - i. elementary
 - ii. secondary
 - f. What is the total number of teachers on the long-term occasional list?
 - i. Elementary
 - ii. Secondary
2. Are there geographical characteristics of this board that affect the assignment or placement of teachers, occasional teachers or long-term occasional teachers?
3. Is enrolment in this board growing or declining? Is there a difference between what's happening in the elementary and secondary panels?

General information about occasional and long-term occasional teaching in the board

4. Is there a maximum number of teachers permitted on the board's occasional teacher list? If so, what is the maximum and how is it determined?
 - a. Elementary
 - b. Secondary
5. Is there a maximum number of teachers permitted on the board's long-term occasional list? If so, what is that number and how is it determined?
 - a. Elementary
 - b. Secondary
6. How many teachers were added to the board's occasional teacher list in the following school years:
 - a. 2010-2011
 - b. 2011-12
 - c. 2012-2013
7. Has the board closed its occasional teacher list to new applicants?
8. How often is the long-term occasional teacher list refreshed?
9. What is the length of absence in days that determines that an assignment is long-term?
 - a. Elementary
 - b. Secondary
10. At what point is a short term absence considered to have become long-term?
11. Are teachers who have begun a long-term assignment permitted to apply for and accept another assignment that begins before the conclusion of the first assignment?

Information about the process of getting on the roster, the LTO list, or being hired to a regular teaching position

12. Are regular teaching positions posted internally in the board?
 - a. On the board website or another website
 - b. Written postings sent to schools and workplaces
 - c. Other
13. Does the board have an eligible to hire list? Is this list different from the occasional teacher list?

14. How are long-term occasional assignments posted?
 - a. On the board website or another website
 - b. Written postings sent to schools and workplaces
 - c. Other
15. For regular teaching positions, do internal applicants (teachers or occasional teachers) apply to the school or to the board? When are requests for transfers processed?
16. For regular teaching positions, are internal applicants interviewed at the school level or at the board level?
 - a. By a single interviewer
 - b. By a team of interviewers
17. Does the board have a centralized process for teachers applying to become:
 - a. Occasional teachers
 - b. Long-term occasional teachers
 - c. Regular teachers
18. Does the board use an automated system for dispatching teachers to daily occasional assignments? If so, what factors does that system take into account?
19. If the board does not use an automated system, how are occasional teachers dispatched?

Access for part-time regular teachers to top up with occasional, long-term assignments

20. Do teachers on part-time regular contract have the opportunity to top up their assignments with occasional or long-term occasional work? Must they be on the occasional teacher or long-term occasional teacher list in order to do so? Are there any barriers?

Factors taken into account in the selection of teachers for occasional, long-term occasional or regular teaching “eligible to hire” lists

	Occasional Teacher List	Long Term Occasional Teacher list	Appointment to permanent teacher assignments
Aptitude test	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demonstration lesson or presentation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Language proficiency test	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reference checks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Resume (curriculum vitae)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Teaching or student teaching evaluations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Teaching portfolio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interview	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – please specify			

21. If tests are used, which tests are these?

What is the magnitude of occasional teaching and long-term occasional teaching within the board’s operation?

- 22. How many long-term occasional positions were posted during the 2012-13 school year?
- 23. How many long-term occasional positions have been posted so far for the 2013-14 school year?
- 24. Is it possible to represent occasional teaching (and long term occasional assignments) as a percentage of the full-time-equivalent regular teaching payroll? If yes, what is the percentage?
- 25. How many short-term absences in 2012-13 became long-term absences?
- 26. How many long-term occasional assignments were there in 2012-13 and how long were the assignments?

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27. How many short term occasional teacher days were used in 2012-13?

Seniority and qualifications

28. What is the definition of seniority for an occasional teacher in your board? (time elapsed since date of being placed on roster or accumulated days worked as an occasional teacher)

29. Does the board have a standard working definition of "qualification" for hiring purposes? If so, explain.

Implementation of Regulation 274

30. Have there been any instances since the introduction of Regulation 274 when none of the five most senior, qualified applicants for a long term occasional position met the board's requirements? If so, please elaborate the circumstances.

31. Have there been grievances related to the implementation of Regulation 274 (that would not previously have been grievances)? What have the issues been in the grievances?

- a. Provision of the list of long term occasional teachers to the union
- b. Failure to advertise long term occasional position
- c. Provision of names of successful and unsuccessful applicants to the union
- d. Timing or length of advertisements
- e. Failure to offer position to the most senior, qualified person interviewed
- f. Failure to offer the position to one of the applicants interviewed
- g. Failure to refresh the list of long term occasional teachers
- h. Failure to advertise regular teaching position

32. If there were additional grievances filed with the board in relation to Regulation 274 since September 1, 2012 that were not accounted for in the list above, please describe the grievance.

33. Please describe the process used in this board (if any) to evaluate daily occasional teachers.

34. Please describe the process used in this board to evaluate long-term occasional teachers.

35. Can a long term occasional teacher request a formal evaluation?

36. What information is shared between the union and the board about the hiring process for long-term occasional teachers, or about the applications of long-term occasional teachers or occasional teachers for regular positions?
- The roster of occasional teachers
 - The list of long-term occasional teachers
 - The selection criteria for the long term occasional list
 - Postings for regular teaching assignments
 - Postings for long-term occasional teaching assignments
 - The names of applicants for each long-term occasional posting
 - The name of the applicants selected for interviews
 - The name of the successful applicant
37. Standing back from the details that we have been discussing thus far, how would hiring have proceeded procedurally and substantively at the board in the absence of Regulation 274?
- What are the benefits of the change?
 - What are the drawbacks of the change?

Questions pour l'entrevue concernant le Règlement 274 :

Il est probable que certaines de ces questions porteront sur des aspects ne concernant que le conseil scolaire. Nous les avons toutes incluses afin que le personnel du conseil et le personnel du syndicat sachent quelles questions seront posées. Si une personne interrogée ne possède pas les renseignements demandés, nous en prendrons simplement note. Nous ne nous attendons pas à ce que toutes les personnes interrogées aient réponse à toutes les questions posées; nous vous sommes cependant reconnaissants de bien vouloir fournir le plus d'information possible.

Information concernant le conseil, ses écoles et ses enseignants

1. Nous aimerions avoir les renseignements suivants au sujet de votre conseil scolaire :
 - a. Combien y a-t-il d'écoles?
 - i. Élémentaire
 - ii. Secondaire
 - b. Combien y a-t-il d'enseignants équivalents temps plein?
 - i. Élémentaire
 - ii. Secondaire
 - c. Combien y a-t-il d'enseignants réguliers à temps partiel (nombre de personnes)?
 - i. Élémentaire
 - ii. Secondaire
 - d. Combien y a-t-il d'élèves?
 - i. Élémentaire
 - ii. Secondaire
 - e. Quel est le nombre total d'enseignants sur la liste d'enseignants suppléants occasionnels?
 - i. Élémentaire
 - ii. Secondaire
 - f. Quel est le nombre total d'enseignants sur la liste d'enseignants suppléants à long terme?
 - i. Élémentaire
 - ii. Secondaire
2. Ce conseil comporte-t-il des caractéristiques géographiques ayant un effet sur l'affectation ou le placement des enseignants, des suppléants occasionnels ou des suppléants à long terme?
3. Le nombre d'inscriptions dans ce conseil est-il à la hausse ou à la baisse? Y a-t-il une différence entre les paliers élémentaire et secondaire?

Information générale sur la suppléance occasionnelle et la suppléance à long terme au sein du conseil

4. Y a-t-il une limite quant au nombre d'enseignants que peut compter la liste d'enseignants suppléants occasionnels du conseil? Si oui, quelle est cette limite et comment est-elle fixée?
 - a. Élémentaire
 - b. Secondaire
5. Y a-t-il une limite quant au nombre d'enseignants que peut compter la liste d'enseignants suppléants à long terme du conseil? Si oui, quelle est cette limite et comment est-elle fixée?
 - a. Élémentaire
 - b. Secondaire
6. Combien d'enseignants ont été ajoutés à la liste des enseignants suppléants du conseil au cours des années scolaires suivantes :
 - a. 2010-2011
 - b. 2011-2012
 - c. 2012-2013
7. Le conseil a-t-il **fermé** la liste des enseignants suppléants aux nouveaux candidats?
8. À quel intervalle la liste des enseignants suppléants à long terme est-elle actualisée?
9. Quelle doit être, en nombre de jours, la durée d'une absence pour qu'une affectation puisse devenir à long terme?
 - a. Élémentaire
 - b. Secondaire
10. À quel moment une absence à court terme est-elle considérée comme une absence à long terme?
11. Les enseignants qui ont commencé une affectation à long terme ont-ils le droit de présenter une demande pour une autre affectation commençant avant la fin de la première affectation et de l'accepter?

Information concernant le processus pour être inscrit au tableau, à la liste des enseignants suppléants à long terme ou pour être embauché à un poste d'enseignant régulier

12. Les postes d'enseignants réguliers sont-ils affichés à l'interne au sein du conseil?
 - a. Sur le site Web du conseil ou sur un autre site Web
 - b. Une description écrite des postes est envoyée aux écoles et dans les milieux de travail
 - c. Autre
13. Le conseil a-t-il une liste de candidats admissibles à l'embauche? Cette liste diffère-t-elle de la liste d'enseignants suppléants?
14. Comment les postes en suppléance à long terme sont-ils affichés?
 - a. Sur le site Web du conseil ou sur un autre site Web
 - b. Une description écrite des postes est envoyée aux écoles et dans les milieux de travail
 - c. Autre

15. Pour les postes réguliers, les candidats internes (enseignants ou enseignants suppléants) présentent-ils leur demande à l'école ou au conseil? Quand les demandes de transfert sont-elles traitées?
16. Pour les postes réguliers, l'entrevue avec les candidats à l'interne a-t-elle lieu à l'école ou au conseil?
 - a. Par un seul intervieweur
 - b. Par une équipe d'intervieweurs
17. Le conseil a-t-il un processus centralisé permettant aux enseignants de présenter une demande pour devenir :
 - a. Enseignants suppléants
 - b. Enseignants suppléants à long terme
 - c. Enseignants réguliers
18. Le conseil est-il doté d'un système automatisé de suppléance pour trouver des enseignants suppléants pour les affectations quotidiennes? Si oui, quels sont les facteurs que prend en compte le système?
19. Si le conseil n'utilise pas de système automatisé, de quelle façon les affectations des suppléants sont-elles effectuées?

Possibilités offertes aux enseignants réguliers à temps partiel de travailler davantage grâce à des affectations de suppléance à long terme

20. Les enseignants ayant un contrat régulier à temps partiel ont-ils la possibilité de travailler davantage grâce à des affectations de suppléance à court ou à long terme? Doivent-ils, pour ce faire, être déjà inscrits sur la liste des enseignants suppléants ou des enseignants suppléants à long terme? Existe-t-il des obstacles?

Facteurs pris en compte dans la sélection des enseignants pour l'inscription sur la liste des enseignants suppléants, des enseignants suppléants à long terme ou des enseignants réguliers « admissibles à l'embauche »

	Liste des enseignants suppléants occasionnels	Liste des enseignants suppléants à long terme	Nomination à un poste d'enseignant permanent
Test d'aptitude	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Démonstration ou présentation d'une leçon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Test de compétence linguistique	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vérification des références	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Curriculum vitae	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Évaluation des enseignements ou du stage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Expérience d'enseignement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Entrevue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Autre – veuillez préciser			

21. Si vous utilisez des tests, veuillez préciser lesquels.

Quelle est l'ampleur de la suppléance à court terme et de la suppléance à long terme au sein des activités du conseil?

22. Combien de postes de suppléance à long terme ont été affichés pendant l'année scolaire 2012-2013?
23. Combien de postes de suppléance à long terme ont été affichés jusqu'à maintenant pour l'année scolaire 2013-2014?
24. Est-il possible de présenter la suppléance (et les affectations de suppléance à long terme) en tant que pourcentage de la liste de paie pour les postes réguliers équivalents temps pleins? Si oui, quel est ce pourcentage?
25. En 2012-2013, combien d'absences à court terme sont devenues des absences à long terme?
26. En 2012-2013, combien y a-t-il eu d'affectations de suppléance à long terme et quelle a été la durée de ces affectations?
27. Combien de jours de suppléance à court terme ont été utilisés en 2012-2013?

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Ancienneté et qualifications

28. Quelle est la définition de l'ancienneté pour un enseignant suppléant au sein de votre conseil? (temps écoulé depuis la date à laquelle le suppléant a été inscrit au tableau ou nombre de jours de suppléance accumulés)
29. Le conseil a-t-il adopté une définition pratique normalisée du terme « qualifications » aux fins de l'embauche? Si oui, veuillez expliquer.

Mise en œuvre du Règlement 274

30. Y a-t-il eu des cas, depuis l'adoption du Règlement 274, où aucun des cinq candidats compétents possédant le plus d'expérience et postulant pour un poste de suppléance à long terme n'a satisfait les exigences du conseil? Si oui, veuillez expliquer les circonstances.
31. Y a-t-il eu des griefs liés à l'adoption du Règlement 274 (griefs qui, auparavant, n'en auraient pas été)? Quels étaient les problèmes motivant ces griefs?
 - a. Transmission au syndicat de la liste des enseignants suppléants à long terme
 - b. Omission d'annoncer le poste de suppléants à long terme
 - c. Transmission au syndicat des noms des candidats retenus et rejetés
 - d. Date et durée des offres d'emploi
 - e. Omission d'offrir un poste à la personne compétente la plus ancienne parmi les personnes interviewées
 - f. Omission d'offrir le poste à l'un des candidats interviewés
 - g. Omission d'actualiser la liste des enseignants suppléants à long terme
 - h. Omission d'annoncer un poste d'enseignant régulier
32. Si d'autres griefs ont été formulés au conseil concernant le Règlement 274 depuis le 1^{er} septembre 2012, mais ne figurent pas dans la liste ci-dessus, veuillez décrire ces griefs.
33. Veuillez décrire le processus suivi par le conseil (s'il y a lieu) pour évaluer les enseignants suppléants occasionnels.
34. Veuillez décrire le processus suivi par le conseil (s'il y a lieu) pour évaluer les enseignants suppléants à long terme.
35. Un enseignant suppléant à long terme peut-il demander une évaluation formelle?

36. Quelle est l'information communiquée entre le syndicat et le conseil au sujet du processus d'embauche pour les enseignants suppléants à long terme ou encore au sujet des candidatures des enseignants suppléants à long terme ou des enseignants suppléants pour des postes réguliers?
- Le tableau des enseignants suppléants
 - La liste des enseignants suppléants à long terme
 - Les critères de sélection pour la liste des enseignants suppléants à long terme
 - Les offres d'emploi pour les postes d'enseignants réguliers
 - Les offres d'emploi pour les postes d'enseignants suppléants à long terme
 - Les noms des candidats pour chaque offre de suppléance à long terme
 - Le nom des candidats sélectionnés pour les entrevues
 - Le nom du candidat retenu
37. En prenant un certain recul par rapport aux détails abordés jusqu'ici, comment l'embauche se serait-elle déroulée au sein du conseil, quant au fond et à la forme, en l'absence du Règlement 274?
- Quels sont les avantages attribuables au changement?
 - Quels sont les inconvénients attribuables au changement?

