### EDUCATION ACT

#### ONTARIO REGULATION 99/02

*Amended to O. Reg. 96/07*

**TEACHER PERFORMANCE APPRAISAL**

**Notice of Currency:** This document is up to date.

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*This is the English version of a bilingual regulation.*

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Schedule 1: Competencies for teachers other than new teachers

Schedule 2: Competencies for new teachers

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http://www.e-laws.gov.on.ca/DBLaws/Regs/English/020099_e.htm

26/03/2007
PART I
GENERAL

Interpretation

1. (1) This Regulation applies to performance appraisals of teachers conducted under Part X.2 of the Act. O. Reg. 99/02, s. 1 (1).

(2) References in this Regulation to a principal include references to a person other than a principal who conducts a performance appraisal of a teacher under Part X.2 of the Act. O. Reg. 99/02, s. 1 (2).

(3) The interpretations and definitions in Part X.2 of the Act apply for the purposes of this Regulation. O. Reg. 99/02, s. 1 (3).

(4) In this Regulation, “classroom observation” includes the observation of a teacher in his or her ordinary teaching environment if that environment is not a classroom. O. Reg. 264/06, s. 1.

PART II
TEACHERS OTHER THAN NEW TEACHERS

Application

2. This Part applies with respect to teachers, other than new teachers, and in this Part every reference to a “teacher” means a teacher other than a new teacher. O. Reg. 264/06, s. 2.

Parental and pupil input

3. (1) With respect to teachers, every board shall develop an annual written parent survey and pupil survey in consultation with the school councils and principals for the schools governed by the board, the special education advisory committee and those parents, pupils and teachers who are interested. O. Reg. 264/06, s. 2.

(2) A parent survey must ask for parental input on each teacher of each child of the parent and the parent’s level of satisfaction with communication between the parent and the teacher about the child’s learning and progress. O. Reg. 264/06, s. 2.

(3) A pupil survey must ask for input from each pupil who is in a grade 11 or 12 or OAC course in a school governed by the board, relating to,

(a) communication between the pupil and each of the pupil’s teachers of a grade 11 or 12 or OAC course; and

(b) whether each of the teachers effectively promotes pupil learning. O. Reg. 264/06, s. 2.

(4) The responses given in a parent survey and a pupil survey,

(a) must not be used for any purpose other than a performance appraisal of a teacher referred to in the responses; and

(b) must not be disclosed to any person other than the principal, the appropriate supervisory officer and the appropriate board, except as permitted under this Regulation. O. Reg. 264/06, s. 2.
(5) The principal shall, on the request of a parent or pupil, remove all words and names that would identify the parent or pupil from a document that contains input from the parent or pupil, including a parent survey and a pupil survey, before the document or a copy of the document is provided to a teacher. O. Reg. 264/06, s. 2.

(6) The principal shall not disclose to a teacher any parental input or pupil input that relates to another teacher. O. Reg. 264/06, s. 2.

Note: On April 1, 2007, section 3 is revoked. See: O. Reg. 96/07, ss. 1, 12.

Evaluation cycle

4. (1) The evaluation cycle for teachers shall be three consecutive years. O. Reg. 264/06, s. 2.

Note: On April 1, 2007, subsection (1) is amended by striking out “three” and substituting “five”. See: O. Reg. 96/07, ss. 2 (1), 12.

(2) Every board shall schedule evaluation years for teachers in a manner that provides for each teacher to have one evaluation year in each evaluation cycle during which the teacher is employed by the board. O. Reg. 264/06, s. 2.

(3) The first year in which a teacher is employed by a board shall be an evaluation year. O. Reg. 264/06, s. 2.

(4) Within 20 school days after a teacher commences teaching in a year that is scheduled as an evaluation year for the teacher, the appropriate principal shall notify the teacher that the year is an evaluation year. O. Reg. 264/06, s. 2.

(5) The board shall ensure that each teacher receives at least two performance appraisals during each of his or her evaluation years. O. Reg. 264/06, s. 2.

Note: On April 1, 2007, subsection (5) is amended by striking out “two performance appraisals” and substituting “one performance appraisal”. See: O. Reg. 96/07, ss. 2 (2), 12.

(6) Once a teacher employed by a board has an evaluation year, each subsequent evaluation year of the teacher, as long as the teacher continues in the employ of that board, must be preceded by two years that are not evaluation years for the teacher. O. Reg. 264/06, s. 2.

Note: On April 1, 2007, subsection (6) is amended by striking out “two” and substituting “four”. See: O. Reg. 96/07, ss. 2 (3), 12.

Principal’s role

5. (1) The performance appraisals under this Part shall be conducted by the principal assigned to the school to which the teacher is assigned in the evaluation year scheduled for the teacher. O. Reg. 264/06, s. 2.

(2) The principal may conduct performance appraisals of a teacher under this Part at such intervals as the principal considers appropriate, subject to any requirements in Part X.2 of the Act or any regulation, guideline, rule or policy under that Part. O. Reg. 264/06, s. 2.

(3) The principal shall give the teacher written notice of the rating determined for each
performance appraisal conducted under this section. O. Reg. 264/06, s. 2.

Additional performance appraisals

6. (1) A principal of a school may conduct performance appraisals of a teacher assigned to the school that are additional to those required by section 4, if the principal considers it advisable to do so in light of circumstances relating to the teacher’s performance. O. Reg. 264/06, s. 2.

(2) Subject to subsection (3), and except during a teacher’s evaluation year, a teacher may request performance appraisals that are additional to those required by section 4 and the principal assigned to the school to which the teacher is assigned shall conduct them. O. Reg. 264/06, s. 2.

(3) The principal may refuse to conduct a performance appraisal requested under subsection (2) where he or she is of the opinion that it is unlikely that the performance appraisal will lead to improvement in the teacher’s performance. O. Reg. 264/06, s. 2.

(4) The principal shall give the teacher written notice of the rating determined for each performance appraisal conducted under this section. O. Reg. 264/06, s. 2.

Rating scale

7. The principal shall assign one of the following overall performance ratings to a teacher, based on the results of the performance appraisal:

   1. Exemplary.

Note: On April 1, 2007, paragraph 1 is revoked and the following substituted:

   1. Satisfactory.

See: O. Reg. 96/07, ss. 3, 12.

2. Good.

Note: On April 1, 2007, paragraph 2 is revoked and the following substituted:

   2. Unsatisfactory.

See: O. Reg. 96/07, ss. 3, 12.


Note: On April 1, 2007, paragraph 3 is revoked. See: O. Reg. 96/07, ss. 3, 12.

4. Unsatisfactory. O. Reg. 264/06, s. 2.

Note: On April 1, 2007, paragraph 4 is revoked. See: O. Reg. 96/07, ss. 3, 12.

Performance appraisal

8. (1) A performance appraisal of a teacher must satisfy the following requirements:

   1. The teacher must be evaluated with respect to the competencies set out in Schedule 1 and such other competencies as may be provided for by the appropriate board under subsection 277.32 (1) of the Act.
2. The performance appraisal must include the steps listed in subsection (2).

3. The performance appraisal must be conducted in accordance with such guidelines as the Minister may issue and in accordance with such additional policies, rules, standards, methods, processes, timelines and steps as may be established by the appropriate board. O. Reg. 264/06, s. 2.

(2) A performance appraisal must include the following steps:

1. A meeting between the principal and the teacher in preparation for a classroom observation of the teacher and to review the teacher’s current learning plan.

2. The completion by the principal and teacher of a pre-observation profile in a form approved by the Minister.

Note: On April 1, 2007, paragraph 2 is revoked. See: O. Reg. 96/07, ss. 4 (1), 12.

3. A classroom observation to evaluate the teacher’s competencies, including a determination by the principal of whether the teacher has the knowledge and is employing the practices described in the guidelines issued by the Minister under subsection 277.33 (1) of the Act.

4. A meeting between the principal and the teacher after the classroom observation,

   i. to review the results of the classroom observation,

   ii. to discuss other information relevant to the principal’s evaluation of the teacher’s competencies, including parental input and pupil input concerning the teacher,

Note: On April 1, 2007, subparagraph ii is revoked and the following substituted:

   ii. to discuss other information relevant to the principal’s evaluation of the teacher’s competencies, and

See: O. Reg. 96/07, ss. 4 (2), 12.

   iii. to complete the post-observation report, in a form approved by the Minister, and

Note: On April 1, 2007, subparagraph iii is revoked. See: O. Reg. 96/07, ss. 4 (2), 12.

   iv. to finalize the teacher’s learning plan for the current year.

5. An opportunity for the teacher to review and respond to the principal in respect of the parental input, pupil input or both, within such period of time as the principal considers reasonable in the circumstances.

Note: On April 1, 2007, paragraph 5 is revoked. See: O. Reg. 96/07, ss. 4 (3), 12.

6. Consideration by the principal of any response provided by the teacher under paragraph 5.

Note: On April 1, 2007, paragraph 6 is revoked. See: O. Reg. 96/07, ss. 4 (3), 12.
7. Preparation by the principal of a summative report of the performance appraisal, in a form approved by the Minister, containing,
   i. the principal’s evaluation of the teacher,
   ii. the principal’s overall performance rating of the teacher, and
   iii. the principal’s explanation for the rating.

8. Provision to the teacher of a copy of the summative report, signed by the principal, within 20 school days after the classroom observation.

9. Signature by the teacher of a copy of the summative report, to acknowledge receipt by the teacher of a copy of the report.

10. Provision to the appropriate board of a copy of the summative report, as signed by both the principal and the teacher, and the teacher’s learning plan for the year. O. Reg. 264/06, s. 2.

   (3) At the request of either the teacher or the principal, the teacher and principal shall meet to discuss the performance appraisal after the teacher receives a copy of the summative report. O. Reg. 264/06, s. 2.

Records

9. Every board shall retain each record made under Part X.2 of the Act for a period of at least six years from the date of the summative report of the performance appraisal to which the record relates. O. Reg. 264/06, s. 2.

SPECIAL RULES

Performance appraisals if teaching only one semester

10. If a teacher is teaching in only one semester during a year that is scheduled as an evaluation year, all performance appraisals of the teacher required during that evaluation year must be conducted in that semester. O. Reg. 264/06, s. 2.

Periods of time excluded from evaluation cycle

11. (1) The three-year evaluation cycle mentioned in subsection 4 (1) excludes the following periods of time:

Note: On April 1, 2007, subsection (1) is amended by striking out “three-year” in the portion before paragraph 1 and substituting “five-year”. See: O. Reg. 96/07, ss. 5 (1), 12.

   1. A period during which the teacher does not teach at any time in a school governed by the board.

   2. A period in a year in the three-year cycle that is scheduled as an evaluation year for the teacher if, throughout the period, the teacher is on an extended leave that has been approved by the board.

Note: On April 1, 2007, paragraph 2 is amended by striking out “three-year” and substituting “five-year”. See: O. Reg. 96/07, ss. 5 (2), 12.

   3. A period when the teacher is on secondment to a non-teaching position.
4. A period when the teacher is on secondment to a teaching position outside the Ontario public education system. O. Reg. 264/06, s. 2.

(2) If a teacher is on an extended leave during all or part of a year that is scheduled as an evaluation year, any performance appraisal that would otherwise be carried out during that period must be conducted within 60 school days after the teacher returns from leave. O. Reg. 264/06, s. 2.

Rules, seconded teachers

12. (1) The following rules apply to every teacher who is seconded to a teaching position in the Ontario public education system during a three-year cycle:

Note: On April 1, 2007, subsection (1) is amended by striking out “three-year” in the portion before paragraph 1 and substituting “five-year”. See: O. Reg. 96/07, ss. 6 (1), 12.

1. The year that is scheduled as an evaluation year for the teacher during the cycle does not change.

2. The board from which the teacher is seconded must advise the board to which the teacher is seconded of the teacher’s position in the teacher’s three-year cycle.

Note: On April 1, 2007, paragraph 2 is amended by striking out “three-year” and substituting “five-year”. See: O. Reg. 96/07, ss. 6 (2), 12.

3. The board to which the teacher is seconded shall ensure that all performance appraisals of the teacher that are required during the period the teacher is on secondment to the board are carried out. O. Reg. 264/06, s. 2.

Note: On April 1, 2007, paragraph 3 is amended by striking out “three-year” and substituting “five-year”. See: O. Reg. 96/07, ss. 6 (3), 12.

(2) If a performance appraisal carried out while a teacher is seconded to another board results in an unsatisfactory overall performance rating, the following rules apply:

1. The secondment agreement terminates.

2. The performance appraisal is deemed not to have been conducted except for the purposes of terminating the secondment agreement.

3. The teacher’s three-year cycle recommences on the termination of the secondment agreement and the first year in the cycle is an evaluation year for the teacher.

4. The board to which the teacher returns shall ensure that a performance appraisal of the teacher is conducted within 60 school days after the teacher’s return. O. Reg. 264/06, s. 2.

PART III
NEW TEACHERS

Application

13. This Part applies with respect to new teachers and in this Part every reference to a teacher means a “new teacher”. O. Reg. 264/06, s. 2.
Parental and pupil input

14. (1) With respect to teachers, every board shall develop an annual written parent survey and pupil survey in consultation with the school councils and principals for the schools governed by the board, the special education advisory committee and those parents, pupils and teachers who are interested. O. Reg. 264/06, s. 2.

(2) A parent survey must ask for parental input on each teacher of each child of the parent and the parent's level of satisfaction with communication between the parent and the teacher about the child's learning and progress. O. Reg. 264/06, s. 2.

(3) A pupil survey must ask for input from each pupil who is in a grade 11 or 12 or OAC course in a school governed by the board, relating to,

(a) communication between the pupil and each of the pupil's teachers of a grade 11 or 12 or OAC course; and

(b) whether each of the teachers effectively promotes pupil learning. O. Reg. 264/06, s. 2.

(4) The responses given in a parent survey and a pupil survey,

(a) must not be used for any purpose other than a performance appraisal of a teacher referred to in the responses; and

(b) must not be disclosed to any person other than the principal, the appropriate supervisory officer and the appropriate board, except as permitted under this Regulation. O. Reg. 264/06, s. 2.

(5) The principal shall, on the request of a parent or pupil, remove all words and names that would identify the parent or pupil from a document that contains input from the parent or pupil, including a parent survey and a pupil survey, before the document or a copy of the document is provided to a teacher. O. Reg. 264/06, s. 2.

(6) The principal shall not disclose to a teacher any parental input or pupil input that relates to another teacher. O. Reg. 264/06, s. 2.

Note: On April 1, 2007, section 14 is revoked. See: O. Reg. 96/07, ss. 7, 12.

Rating scale

15. (1) The principal shall assign one of the following performance ratings to a new teacher, based on the results of the first performance appraisal conducted in the first 12-month period following his or her being hired as a teacher:

1. Satisfactory.

2. Development Needed. O. Reg. 264/06, s. 2.

(2) In the case of a new teacher who was assigned a rating of Satisfactory in the first appraisal, the principal shall assign one of the following ratings to the teacher in the second appraisal conducted in the first 12-month period:

1. Satisfactory.

2. Development Needed. O. Reg. 264/06, s. 2.
(3) In the case of a new teacher who was assigned a rating of Development Needed in the first appraisal, the principal shall assign one of the following ratings to the teacher in the second appraisal conducted in the first 12-month period:

1. Satisfactory.
2. Unsatisfactory. O. Reg. 264/06, s. 2.

(4) The principal shall assign one of the following ratings to a new teacher in any subsequent appraisal required under the Act:

1. Satisfactory.
2. Unsatisfactory. O. Reg. 264/06, s. 2.

(5) In addition to the rating of unsatisfactory, the rating of Development Needed shall be considered not Satisfactory for the purposes of Part X.2 of the Act. O. Reg. 264/06, s. 2.

**Performance appraisal**

16. (1) A performance appraisal of a new teacher must satisfy the following requirements:

1. The teacher must be evaluated with respect to the competencies set out in Schedule 2 and such other competencies as may be provided for by the appropriate board under subsection 277.32 (1) of the Act.

2. The performance appraisal must include a classroom observation to evaluate the teacher’s competencies, including a determination by the principal of whether the teacher has the knowledge and is employing the practices described in the guidelines issued by the Minister under subsection 277.33 (1) of the Act.

3. The performance appraisal must be conducted in accordance with such guidelines as the Minister may issue and in accordance with such additional policies, rules, standards, methods, processes, timelines and steps as may be established by the appropriate board. O. Reg. 264/06, s. 2.

(2) A performance appraisal of a new teacher must include the following steps:

1. A meeting between the principal and the teacher in preparation for a classroom observation of the teacher.

2. A classroom observation to evaluate the teacher’s competencies, including a determination by the principal of whether the teacher has the knowledge and is employing the practices described in the guidelines issued by the Minister under subsection 277.33 (1) of the Act.

3. A meeting between the principal and the teacher after the classroom observation,
   
   i. to review the results of the classroom observation, and
   
   ii. to discuss other information relevant to the principal’s evaluation of the teacher’s competencies, including parental input and pupil input concerning the teacher and the teacher’s participation in the new teacher induction program.

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Note: On April 1, 2007, subparagraph ii is revoked and the following substituted:

ii. to discuss other information relevant to the principal’s evaluation of the teacher’s competencies, including the teacher’s participation in the new teacher induction program.

See: O. Reg. 96/07, ss. 8, 12.

4. Preparation by the principal of a summative report of the performance appraisal, in a form approved by the Minister, containing,

i. the principal’s evaluation of the teacher,

ii. the principal’s overall performance rating of the teacher, and

iii. the principal’s explanation for the rating.

5. Provision to the teacher of a copy of the summative report, signed by the principal, within 20 school days after the classroom observation.

6. Signature by the teacher of a copy of the summative report, to acknowledge receipt by the teacher of a copy of the report.

7. Provision to the appropriate board of a copy of the summative report, as signed by both the principal and the teacher. O. Reg. 264/06, s. 2.

(3) At the request of either the teacher or the principal, the teacher and principal shall meet to discuss the performance appraisal after the teacher receives a copy of the summative report. O. Reg. 264/06, s. 2.

Records

17. Every board shall retain each record made under Part X.2 of the Act for a period of at least six years from the date of the summative report of the performance appraisal to which the record relates. O. Reg. 264/06, s. 2.

SPECIAL RULES

Periods of time excluded from new teaching period

18. (1) A teacher’s new teaching period excludes the following periods of time:

1. A period during which the teacher does not teach at any time in a school governed by the board.

2. A period during which the teacher is on an extended leave that has been approved by the board.

3. A period when the teacher is on secondment to a non-teaching position.

4. A period when the teacher is on secondment to a teaching position outside the Ontario public education system. O. Reg. 264/06, s. 2.

(2) With respect to a period during which a teacher is on an extended leave that has been approved by the board, any performance appraisal that would otherwise be carried out during that period must be conducted within 60 school days after the teacher returns from leave. O. Reg. 264/06, s. 2.
Extension of evaluation cycle

19. (1) A board shall extend a teacher’s new teaching period if all of the following conditions apply:

1. The teacher had three performance appraisals during the first 18 months of the new teaching period and one appraisal resulted in a Satisfactory rating.

2. After the start of the 19th month but before the expiry of the teacher’s new teaching period, the teacher,
   i. begins to teach at a different school governed by the same board, or
   ii. becomes employed as a teacher by a different board.

3. The teacher has submitted a request in writing to the appropriate supervisory officer for the new school or the new board, as the case may be, for an extension of his or her new teaching period.

4. The request for an extension was made after the start of the 19th month but before the expiry of the teacher’s new teaching period.

5. The new teaching period has not been previously been extended under this section. O. Reg. 264/06, s. 2.

(2) A teacher’s new teaching period may be extended under subsection (1) for up to 90 school days. O. Reg. 264/06, s. 2.

(3) Within 20 school days of receiving a request under paragraph 3 of subsection (1), the board mentioned under subparagraph 2 i or ii, as the case may be, shall provide notice in writing confirming the length of the extension,
   (a) to the teacher, and
   (b) to the principal of the school to which the teacher is assigned. O. Reg. 264/06, s. 2.

Rules, seconded teachers

20. (1) The following rules apply to every new teacher who is seconded to a teaching position in the Ontario public education system during his or her new teaching period:

1. The secondment does not affect the performance appraisal schedule for new teachers set out in section 277.29 of the Act.

2. The board from which the teacher is seconded must advise the board to which the teacher is seconded of the teacher’s position in his or her new teaching period.

3. The board to which the teacher is seconded shall ensure that all performance appraisals of the teacher that are required during the period the teacher is on secondment to the board are carried out. O. Reg. 264/06, s. 2.

(2) If a performance appraisal carried out while a teacher is seconded to another board results in an overall performance rating that is not satisfactory, the following rules apply:

1. The secondment agreement terminates.
2. The performance appraisal is deemed not to have been conducted except for the purposes of terminating the secondment agreement.

3. The teacher resumes the position in his or her new teaching period that the teacher was in when he or she began the secondment and the 24-month period commences running from that position on the termination of the secondment agreement.

4. The board to which the teacher returns shall ensure a performance appraisal of the teacher is conducted within 60 school days after the teacher’s return. O. Reg. 264/06, s. 2.

PART IV

PROVINCIAL SCHOOLS AND DEMONSTRATION SCHOOLS

Provincial schools

21. (1) Part X.2 of the Act, Parts I, II and III of this Regulation, the other regulations under Part X.2 of the Act, and the guidelines, rules and policies under Part X.2 of the Act, apply to schools established or continued under subsection 13 (1), (2) or (4) of the Act and to schools operated by a ministry under the Provincial Schools Negotiations Act, subject to such modifications as the circumstances require, including the modifications set out in this section. O. Reg. 264/06, s. 2.

(2) If a teacher employed by a board is seconded to a school referred to in subsection (1), subsection (1) does not apply to the teacher unless Part X.2 of the Act applies to the board. O. Reg. 264/06, s. 2.

(3) Despite subsection 277.15 (1) of the Act and subsection 1 (3) of this Regulation, in Part X.2 of the Act, Parts I, II and III of this Regulation, the other regulations under Part X.2 of the Act, and the guidelines, rules and policies under Part X.2 of the Act, unless the context requires otherwise,

(a) a reference to a board is deemed to be a reference to the Provincial Schools Authority;

(b) a reference to the designated bargaining agent for a teachers’ bargaining unit is deemed to be a reference to the bargaining agent referred to in subsection 5 (4) of the Provincial Schools Negotiations Act;

(c) a reference to a teacher is deemed to be a reference to a teacher as defined in section 1 of the Provincial Schools Negotiations Act, other than a continuing education teacher;

(d) a reference to a teachers’ bargaining unit is deemed to be a reference to the bargaining unit referred to in subsection 5 (2) of the Provincial Schools Negotiations Act;

(e) a reference to a director of education for a board is deemed to be a reference to the chair of the Provincial Schools Authority;

(f) a reference to a school council is deemed to be a reference to any body that acts in a capacity similar to a school council; and

(g) a reference to a special education advisory committee is deemed to be a
reference to any body that acts in a capacity similar to a special education advisory committee. O. Reg. 264/06, s. 2.

(4) Subsections 277.15 (2) and (3) and sections 277.24 to 277.27 of the Act have no application to the schools referred to in subsection (1). O. Reg. 264/06, s. 2.

(5) Subsection 3 (1) of this Regulation permits, but does not require, the Provincial Schools Authority to develop an annual written parent survey with respect to schools operated under the Provincial Schools Negotiations Act by a person or body other than the Ministry. O. Reg. 264/06, s. 2.

Note: On April 1, 2007, subsection (5) is revoked. See: O. Reg. 96/07, ss. 9 (1), 12.

(6) Subsections (3) to (5) apply only for the purposes of subsection (1). O. Reg. 264/06, s. 2.

Note: On April 1, 2007, subsection (6) is amended by striking out “Subsections (3) to (5)” and substituting “Subsections (3) and (4)”. See: O. Reg. 96/07, ss. 9 (2), 12.

Demonstration schools

22. (1) Part X.2 of the Act, Parts I, II and III of this Regulation, the other regulations made under Part X.2 of the Act, and the guidelines, rules and policies under Part X.2 of the Act, apply to the demonstration schools established under clause 13 (5) (a) of the Act, subject to such modifications as the circumstances require, including the modifications set out in this section. O. Reg. 264/06, s. 2.

(2) If a teacher employed by a board is seconded to a school referred to in subsection (1), subsection (1) does not apply to the teacher unless Part X.2 of the Act applies to the board. O. Reg. 264/06, s. 2.

(3) Despite subsection 277.15 (1) of the Act and subsection 1 (3) of this Regulation, in Part X.2 of the Act, Parts I, II and III of this Regulation, the other regulations under Part X.2 of the Act, and the guidelines, rules and policies under Part X.2 of the Act, unless the context requires otherwise,

(a) a reference to a board is deemed to be a reference to the Ministry;
(b) a reference to a teacher employed by a board is deemed to be a reference to a teacher employed by a board and seconded to a school referred to in subsection (1);
(c) a reference to a school council is deemed to be a reference to any body that acts in a capacity similar to a school council; and
(d) a reference to a special education advisory committee is deemed to be a reference to the Learning Disabilities Association of Ontario. O. Reg. 264/06, s. 2.

(4) Clauses (3) (a) and (b) do not apply to the following provisions with respect to a teacher that is employed by a board and seconded to a school referred to in subsection (1):

1. Subsections 4 (1), (1.1) and (4) of this Regulation.

Note: On April 1, 2007, paragraph 1 is revoked and the following substituted:

1. Subsections 4 (1) and (4) of this Regulation.
See: O. Reg. 96/07, ss. 10, 12.

2. Section 277.29 of the Act.
4. Section 2 of Ontario Regulation 98/02 (Teacher Learning Plans). O. Reg. 264/06, s. 2.

(5) Despite subsections 277.15 (5) and (6) of the Act,

(a) nothing in Part X.2 of the Act, or any regulation, guideline, policy or rule under that Part, shall be interpreted to limit rights otherwise available to the Ministry or a board relating to discipline of any teacher, including but not limited to rights relating to reassignment of duties, suspension or termination of the employment of the teacher, whether or not a performance appraisal process relating to the teacher is being conducted under that Part; and

(b) nothing in Part X.2 of the Act, or any regulation, guideline, policy or rule under it, shall be interpreted to limit the Ministry’s ability or a board’s ability to complete a performance appraisal of a teacher begun before that Part begins to apply to the Ministry, board or teacher, or to follow any process or take any action relating to that performance appraisal that the Ministry or board might have followed or taken but for that Part. O. Reg. 264/06, s. 2.

(6) Despite subsection 277.18 (3) of the Act, in the circumstances described in clause 277.18 (1) (b) of the Act, where no other supervisory officer employed by the Ministry is able to perform the duty and exercise the power in a timely way, because of absence or for some other reason, a supervisory officer employed by a board may, by arrangement between the Ministry and the board, perform the duty and exercise the power. O. Reg. 264/06, s. 2.

(7) Despite clauses 277.21 (1) (b) and (4) (b) of the Act, the Lieutenant Governor in Council may make regulations in relation to Part X.2 of the Act establishing rules to apply where a board seconds a teacher to the Ministry, and the regulations may assign responsibilities under that Part as between the seconding board and the Ministry. O. Reg. 264/06, s. 2.

(8) Sections 277.24 to 277.27 and 277.35 to 277.41 of the Act have no application to the schools referred to in subsection (1). O. Reg. 264/06, s. 2.

(9) Subsections (3) to (8) apply only for the purposes of subsection (1). O. Reg. 264/06, s. 2.

Note: On April 1, 2007, the Regulation is amended by adding the following Part:

PART V
TRANSITION TO NEW APPRAISAL RULES

Definitions

23. In this Part,

“changeover date” means the day on which the new appraisal rules first apply to a board in accordance with this Part; (“date de changement”)

“new appraisal rules” mean this Regulation as it reads on April 1, 2007; (“nouvelles règles d’évaluation”)

http://www.e-laws.gov.on.ca/DBLaws/Reg/English/020099_e.htm

26/03/2007
“old appraisal rules” mean this Regulation as it reads on March 31, 2007. (“anciennes règles d’évaluation”) O. Reg. 96/07, s. 11.

Application

24. (1) Despite the coming into force of the new appraisal rules, the old appraisal rules continue to apply to a board until the day preceding the board’s changeover date. O. Reg. 96/07, s. 11.

(2) The new appraisal rules apply to every board on and after September 1, 2007. O. Reg. 96/07, s. 11.

(3) Despite subsection (2), a board may choose any date from April 1, 2007 to August 31, 2007, to be its changeover date, and the new appraisal rules shall apply to the board on and after that date. O. Reg. 96/07, s. 11.

(4) If a board intends to have the new appraisal rules apply to it before September 1, 2007, the board shall give notice, in writing, of its proposed changeover date to,

(a) the Minister; and

(b) every teacher of the board, other than a new teacher, for whom the 2006-2007 school year would, under the old appraisal rules, be an evaluation year. O. Reg. 96/07, s. 11.

(5) The board shall include in every notice given under clause (4) (b) information regarding the new appraisal rules and the transition to them. O. Reg. 96/07, s. 11.

Transition

25. (1) This section applies with respect to teachers, other than new teachers, and in this section every reference to a “teacher” means a teacher other than a new teacher. O. Reg. 96/07, s. 11.

(2) If the changeover date is a date from April 1, 2007 to August 31, 2007 and the 2006-2007 school year would, under the old appraisal rules, be an evaluation year for a teacher,

(a) the year continues to be an evaluation year for the teacher for the purposes of the evaluation cycle under the new appraisal rules; and

(b) the rules in subsections (3) and (4), and any other applicable rules in the Act, apply for the evaluation year. O. Reg. 96/07, s. 11.

(3) If, on the changeover date, the teacher has not received any performance appraisals during the year, the board shall ensure that the teacher receives at least one performance appraisal during the year. O. Reg. 96/07, s. 11.

(4) No further performance appraisals are required for the year if, on the changeover date,

(a) the teacher has received at least one performance appraisal during the year for which the rating was not unsatisfactory; and

(b) the performance appraisal referred to in clause (a) was not followed by a performance appraisal in the year for which the rating was unsatisfactory. O. Reg. 96/07, s. 11.

See: O. Reg. 96/07, ss. 11, 12.
SCHEDULE 1
COMPETENCIES FOR TEACHERS OTHER THAN NEW TEACHERS

Commitment to pupils and pupil learning
Teachers:

(a) demonstrate commitment to the well-being and development of all pupils,
(b) are dedicated in their efforts to teach and support pupil learning and achievement,
(c) treat all pupils equitably and with respect,
(d) provide an environment for learning that encourages pupils to be problem-solvers, decision-makers, life-long learners and contributing members of a changing society,

Professional knowledge
Teachers:

(e) know their subject matter, the Ontario curriculum and education-related legislation,
(f) know a variety of effective teaching and assessment practices,
(g) know a variety of effective classroom management strategies,
(h) know how pupils learn and factors that influence pupil learning and achievement,

Teaching practice
Teachers:

(i) use their professional knowledge and understanding of pupils, curriculum, legislation, teaching practices and classroom management strategies to promote the learning and achievement of their pupils,
(j) communicate effectively with pupils, parents and colleagues,
(k) conduct ongoing assessment of their pupils' progress, evaluate their achievement and report results to pupils and parents regularly,
(l) adapt and refine their teaching practices through continuous learning and reflection, using a variety of sources and resources,
(m) use appropriate technology in their teaching practices and related professional responsibilities,

Leadership and community
Teachers:

(n) collaborate with other teachers and school colleagues to create and sustain learning communities in their classrooms and in their schools,
(o) work with other professionals, parents and members of the community to enhance pupil learning, pupil achievement and school programs,

Ongoing professional learning
Teachers:

(p) engage in ongoing professional learning and apply it to improve their teaching practices.

O. Reg. 99/02, Sched.; O. Reg. 264/06, s. 3.

SCHEDULE 2
COMPETENCIES FOR NEW TEACHERS

Commitment to pupils and pupil learning
New teachers:

(a) demonstrate commitment to the well-being and development of all pupils,
(b) are dedicated in their efforts to teach and support pupil learning and achievement,
(c) treat all pupils equitably and with respect,
(d) provide an environment for learning that encourages pupils to be problem-solvers, decision-makers, life-long learners and contributing members of a changing society,

Professional knowledge
New teachers:

(e) know their subject matter, the Ontario curriculum and education-related legislation,

Teaching practice
New teachers:

(f) use their professional knowledge and understanding of pupils, curriculum, legislation, teaching practices and classroom management strategies to promote the learning and achievement of their pupils,
(g) communicate effectively with pupils, parents and colleagues,
(h) conduct ongoing assessment of their pupils’ progress, evaluate their achievement and report results to pupils and parents regularly.

O. Reg. 264/06, s. 4.

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