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Subject: APPLICATIONS FOR TEMPORARY LETTERS OF APPROVAL

Application: Directors of Education
Secretary-Treasurers and Supervisory Officers of School Authorities

Reference: Regulation 298, “Operation of Schools – General”

INTRODUCTION

Amendments to Regulation 298, “Operation of Schools – General”, made under the Education Act, came into force on May 20, 2010. The revised Regulation 298 includes the requirements for school boards¹ regarding applications for Temporary Letters of Approval. These requirements were previously set out in Ontario Regulation 184/97, “Teachers Qualifications”, made under the Ontario College of Teachers Act, 1996.

The purpose of this memorandum is to provide school boards with information on requirements for submitting an application for a Temporary Letter of Approval to the Ministry of Education, a description of the application process, and the application form.

LEGISLATIVE AUTHORITY

The Minister of Education has the authority under the Education Act to grant a Temporary Letter of Approval, for a period of up to one year, authorizing a school board to assign or appoint a teacher² to teach a subject, to teach in a division, or to hold a position, where the teacher does not have the required qualifications. The Minister also has the authority, subject to the approval of the Lieutenant-Governor in Council, to make regulations governing the granting of Temporary Letters of Approval.

The Minister has delegated authority to grant Temporary Letters of Approval to the managers of the regional offices of the ministry.

The revised Regulation 298 sets out the criteria governing the granting of a Temporary Letter of Approval, as well as the application requirements. The regulation can be found on the Ontario government website, at www.e-laws.gov.on.ca.

1. In this memorandum, *school board(s)* and *board(s)* refer to district school boards and school authorities.

2. In this memorandum, *teacher* refers to a certified member of the Ontario College of Teachers in good standing.

The following requirements apply to school boards that submit applications for Temporary Letters of Approval on or after May 25, 2010.

REQUIREMENTS FOR SCHOOL BOARDS

If a school board finds it necessary to assign or appoint a teacher to teach a subject, to teach in a division, or to hold a position for which he or she does not have the required qualifications, the board may request a Temporary Letter of Approval. A Temporary Letter of Approval is commonly required to:

- allow a teacher who does not have a qualification in a division to be assigned to teach in the primary or junior division or to teach a general education³ subject in the intermediate or senior division;
- allow a teacher who does not have a qualification in technological education⁴ to be assigned to teach a technological education subject;
- allow a teacher who does not have a qualification in French as a second language (FSL) to be assigned to teach French as a second language;
- allow a teacher who does not have French-language qualifications in a division to be assigned to teach in the primary or junior division where French is the language of instruction;
- allow a teacher who does not have English-language qualifications in a division to be assigned to teach in the primary or junior division where English is the language of instruction;
- allow a teacher who does not have a qualification in special education to be assigned to teach or be placed in charge of a special education program or class;
- allow a teacher who does not have a qualification in teaching students who are deaf or hard of hearing or students who are blind or who have limited vision to be assigned to teach these students;
- allow a teacher who does not have principal's qualifications to be assigned to hold a position as a principal or vice-principal.

Before submitting an application for a Temporary Letter of Approval, the school board must be satisfied that the teacher is competent to teach the subject, to teach in the division, or to hold the position, and must also ensure that the teacher has agreed to the assignment or appointment. The board should therefore assess the teacher's teaching experience and formal education credentials (including teaching qualifications), and take into consideration any other information that may be relevant. First and foremost, the school board must give consideration to providing the best possible program and ensuring the safety and well-being of the students.

3. *General education*, as defined in section 1 of Regulation 298, refers to the curriculum described in the ministry's secondary curriculum policy documents, with the exception of the technological education curriculum policy documents for Grades 9 to 12.

4. *Technological education*, as defined in section 1 of Regulation 298, refers to the curriculum described in the ministry's secondary curriculum policy documents entitled *The Ontario Curriculum, Grades 9 and 10: Technological Education, 2009* and *The Ontario Curriculum, Grades 11 and 12: Technological Education, 2009*.

Application Process for a Temporary Letter of Approval

The director of education, or other school board official authorized by the board to make the application, may submit a request for a Temporary Letter of Approval on behalf of the school board. The school board official should submit a completed Application for a Temporary Letter of Approval to the appropriate regional office of the ministry (see form at end of this memorandum).

Every Application for a Temporary Letter of Approval must include a signed declaration from the director of education, or other school board official authorized to make the application, stating that the following requirements of Regulation 298 have been met:

- The board finds it necessary to assign a teacher to teach a subject, to teach in a division, or to hold a position for which he or she does not have the qualifications required.
- The teacher holds a Certificate of Qualification and Registration in good standing with the Ontario College of Teachers.
- The teacher is competent to teach the subject, to teach in the division, or to hold the position.
- The teacher has agreed to the assignment or appointment.

The school board must be able to provide evidence that it has complied with these requirements, if asked to do so by the ministry.

Starting Date and Duration of Assignment

School boards should ensure that the anticipated starting date for the assignment for which they are requesting a Temporary Letter of Approval is later than the date of submission of the application. If a Temporary Letter of Approval is granted, it is effective as of the starting date of the assignment.

School boards must ensure that the duration of the teacher's assignment for which they are requesting a Temporary Letter of Approval does not exceed the limit of one year (that is, twelve months) that is set out in the Education Act. Subject to this limit, a Temporary Letter of Approval may be granted for a period that extends beyond the end of a school year, but ends before the beginning of the next school year, if the assignment does not conform to the regular school-year calendar.

Subsequent Requests for a Temporary Letter of Approval

A Temporary Letter of Approval may be granted for a teacher to teach a subject, to teach in a division, or to be assigned to a position for a subsequent school year. In such cases, a school board must submit a new Application for a Temporary Letter of Approval for the teacher. Each time an application is submitted, the director of education, or other board official who is authorized by the board to make the application, must certify that the board finds it necessary to assign a teacher to teach a subject, to teach in a division, or to hold a position for which he or she does not have the required qualifications.

School boards are expected to encourage teachers assigned under a Temporary Letter of Approval to make reasonable efforts to complete qualifications for the particular subject area, division, or position to ensure that they are qualified for that particular assignment in subsequent school years.

SCHOOL BOARD REVIEW OF TEMPORARY LETTERS OF APPROVAL

School board staffing committees (or the equivalent) are requested to review and discuss on an annual basis data provided by the ministry on Temporary Letters of Approval.

MINISTRY CONTACT

School board officials who have questions about the revised Temporary Letter of Approval application process should contact their local ministry regional office.

APPLICATION FOR A TEMPORARY LETTER OF APPROVAL

Instructions

The director of education, or other school board official authorized to submit this application, must complete section 1 and complete, sign, and date section 2. Applications should be submitted to the manager of the appropriate regional office of the Ministry of Education.

For further information on completing this form, see Policy/Program Memorandum No. 153, "Applications for Temporary Letters of Approval", May 25, 2010.

Section 1: Details of the Request for a Temporary Letter of Approval

Teacher's Name (please provide full legal name):

Teacher's OCT Registration Number:

Name of School:

Name of School Board:

Subject, Division, or Position:

Start Date (dd/mm/yyyy):

End Date (dd/mm/yyyy):

Section 2: Declaration by Board Official

This is to certify that the following requirements have been met:

- The school board finds it necessary to assign or appoint a teacher to teach a subject, to teach in a division, or to hold a position for which he or she does not have the qualifications required by Regulation 298, made under the Education Act.
- The teacher named in this application meets the following requirements:
 - He or she holds a Certificate of Qualification and Registration in good standing with the Ontario College of Teachers.
 - He or she is competent to teach the subject, to teach in the division, or to hold the position.
 - He or she has agreed to the assignment or appointment.

Name of Director of Education or
Other Board Official:

Signature:

Date: