

Ministry of Education
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Queen's Park
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2019: B03

MEMORANDUM TO: Directors of Education
Association des directions et directions adjointes des écoles franco-ontariennes
Catholic Principals' Council of Ontario
Council of Ontario Directors of Education
Ontario Principals' Council

FROM: Martyn Beckett
Assistant Deputy Minister
Student Achievement Division

Andrew Davis
Assistant Deputy Minister
Education Labour and Finance Division

DATE: January 23, 2019

SUBJECT: Hiring Practices and Class Size Engagements

This is an invitation to you, our education partners, to provide your input on Ontario's teacher hiring practices (Ontario Regulation 274/12 – *Hiring Practices*) and class sizes in Ontario, the latter as a follow up to our earlier education funding engagement.

Attached are the Ontario School Board Hiring Practices Consultation Paper and the Class Size Engagement Guide. These documents are intended to support stakeholders in understanding the government's objectives and assist in the development of stakeholder submissions, while focused on specific topics the ministry is seeking input on.

We are committed to discussing teacher hiring practices and class size options in Ontario, with education stakeholders through an engagement process that allows stakeholders to provide the benefit of their expertise, experience, and ideas.

The ministry is interested in receiving your responses to the questions in the guides and your suggestions about the topics highlighted. To ensure that your feedback is taken into consideration, please forward your electronic submission by **February 22, 2019** as follows:

Class Size: EDULABFINANCE@ontario.ca

Hiring Practices: PTPSB@ontario.ca

In addition to the written submissions, the ministry has begun in person conversations with the trustees' associations, teacher federations and other education sector unions to receive their feedback on these topics.

Your participation in this exercise is greatly appreciated as we work toward the government's goal of ensuring that public spending provides best value.

Original signed by:

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Martyn Beckett
Assistant Deputy Minister
Student Achievement Division

Andrew Davis
Assistant Deputy Minister
Education Labour and Finance Division

cc: Association des conseils scolaires des écoles publiques de l'Ontario
Association des enseignantes et des enseignants franco-ontariens
Association franco-ontarienne des conseils scolaires catholiques
Canadian Union of Public Employees
Educational Workers' Alliance of Ontario
Elementary Teachers' Federation of Ontario
Ontario Catholic School Trustees' Association
Ontario Council of Education Workers
Ontario English Catholic Teachers' Association
Ontario Public School Boards' Association
Ontario Secondary School Teachers' Federation
Regional Managers, Regional Offices, Field Services Branch
School Business Officials
Unifor

Ontario School Board Hiring Practices

Hiring Practices – Consultation Paper

MESSAGE FROM THE MINISTER OF EDUCATION

Dear partners,

In June 2018, Ontario elected a government committed to restoring accountability and trust in Ontario's public institutions and finances.

Ontario's Government for the People has just concluded the largest public consultation on education in the province's history. This comprehensive education consultation had participation from parents, students, educators, employers and organizations from across Ontario.

We have also recently concluded this year's consultation on education funding reform. The feedback we received will help us to deliver vital education programs and services efficiently.

At the Ministry of Education we are committed to working together with our education partners to achieve student success. We continue to look to our education partners to provide input on how we can achieve greater efficiencies and accountability throughout the sector and, through this guide, we are seeking your input on teacher hiring practices in Ontario.

Our Government looks forward to working with all of you.

Sincerely,

The Honourable Lisa Thompson
Minister of Education

Hiring Practices – Consultation Paper

INTRODUCTION

The Ministry of Education recognizes teachers as the single most important out-of-the-home factor in student success. This is supported by research that suggests that what teachers know and are able to do is crucial to student learning. As such, teacher quality is paramount in ensuring students are able to succeed in the classroom.

Prior to 2012, hiring practices and the transparency of hiring practices varied across school boards.

Ontario Regulation 274/12 – Hiring Practices (O. Reg. 274/12) came into effect September 2012. The regulation sets mandatory terms and conditions that all school boards who employ Ontario English Catholic Teachers' Association (OECTA), Elementary Teachers' Federation of Ontario (ETFO) or Ontario Secondary School Teachers' Federation (OSSTF) members (i.e. English language school boards) must follow when hiring long-term occasional and permanent teachers.

The Regulation, which is complemented by local collective agreement language, requires these school boards to:

- maintain a roster of occasional teachers (OTs) and establish a separate long-term occasional (LTO) teachers' list and rank OTs based on their seniority on the OT and LTO lists
- post long-term occasional teacher positions on their website
- conduct debrief interviews with unsuccessful candidates when requested
- only hire teachers to LTO and permanent positions from the LTO teachers' list (or OT roster), based on qualifications and seniority, giving due regard for the provision of the best possible program, safety and well-being of students, as required under Ontario Regulation 298 of the Revised Regulations of Ontario, 1990 (Operation of Schools — General).

The purpose of O. Reg. 274/12 was to bring greater transparency, fairness, consistency, and accountability to school board hiring practices of teachers. However, since its implementation, stakeholders, including parents, principals, directors of education and teachers, have raised concerns about the regulation. As boards make hiring decisions under the Regulation, we have been told that student success may be negatively impacted and there have been some unintended consequences, such as increased principal workload and classroom teacher turnover, which impact consistency in the classroom.

ABOUT THIS CONSULTATION

Education partners and stakeholders are being given an opportunity to provide feedback about O. Reg. 274/12 via consultation to address concerns shared with the Ministry of Education. We would like feedback on the following principles, with a lens to having quality teaching in the classroom for all students:

- transparency
- consistency
- clarity
- diversity & equity
- reducing administrative burden

Stakeholders and partners are encouraged to send written feedback (see Appendix 1 for template) to PTPSB@Ontario.ca by February 22nd, 2019.

CONSIDERATIONS

Providing for Teacher Mobility

Currently, if a permanent teacher relocates to another school board they lose all of their accumulated seniority and have to begin as a daily OT in the new school board. As a result, it can take the relocating teacher a number of years before they are able to secure a permanent teaching position in their new school board. Permanent teachers could see this as a barrier to relocating. This is because school boards can only hire teachers for permanent teaching positions from their OT roster and LTO list. As such, relocating permanent teachers must first apply and be interviewed for placement on the school board's roster of occasional teachers.

Per the Regulation, a teacher is placed on a school board's OT roster and ranked by their seniority as an OT in that particular school board. Once they have been hired, they must teach at least 20 days over a ten-month period to be eligible to interview for the LTO list. When that school board hires for a LTO or permanent position, the board must interview and offer the position to the five teachers with the highest seniority with the appropriate qualifications in their school board. Following the completion of a four-month (80 instructional days) LTO assignment, without an unsatisfactory evaluation, the teacher is eligible to apply for inclusion on the LTO list and then for permanent teaching positions. However, there is variation across teacher federations; for example, the regulation does not apply to Association des enseignantes et des enseignants franco-ontariens (AEFO).

Discussion Questions:

1. What changes could be made to O. Reg. 274/12 to provide greater mobility for relocating occasional and permanent teachers or principals and vice-principals returning to teaching?
2. Is there a need to have both an OT roster and LTO list, or could these be merged together to create one without hindering clarity and transparency?
3. How could teaching experience be made portable for hiring purposes (i.e. recognizing all teaching experience, not just experience with a particular board)?

Interviewing the Most Qualified Candidates

For any LTO or permanent teaching position, under the current regulation, a school board must interview the five teachers from the LTO list who (i) are the most senior, (ii) have the required qualifications for the position and (iii) have agreed to be interviewed. If a teacher meets or exceeds the qualifications for the position, but is not part of the five most senior teachers, they would not qualify for an interview (unless all five of the interviewed candidates did not accept the position after it was offered to them). As such, the opportunity to hire this qualified candidate, and impact student learning in a positive way, would be missed.

Discussion Questions:

1. Would increasing the current cap of five teachers to, for example, eight, result in any meaningful and helpful change? Or would this just increase the administrative burden of principals and school boards and add to teacher churn for time to fill vacancies during the school year?
2. If interview list caps were removed altogether, how should interviews be structured?
3. Currently the regulation lists three elements used to select interviewees. What elements would you like to see in a regulation for selecting a group of interviewees that would maintain consistency and transparency?

Hiring Practices – Consultation Paper

Determining the Basis for Hiring

O. Reg. 274/12 requires school boards to organize their OT roster and LTO list based on the date each teacher was hired. When a teaching position becomes available, school boards must interview and hire candidates that have the highest seniority on the OT roster and LTO list.

Consistent and transparent hiring practices are important; however, the ministry has heard concerns about hiring that is heavily based on seniority, including:

- Seniority-based hiring values only time spent on a list. It does not value quality of teaching, commitment to students, experience/time spent in a particular school, or suitability for the particular assignment.
 - Examples of situations we have heard include schools looking for teachers with qualifications in music, math, physical education, indigenous languages, or to recruit based on diversity, but these might not be the teachers with the most seniority.

Discussion Questions:

1. How can the current focus on seniority-based hiring be changed so that hiring practices consider impact on student success, quality of teaching, diversity and transparency, while remaining consistent and fair?
2. How can hiring practices that are not seniority-based prevent bias from entering the hiring process?
3. Other than seniority, what components would you like to see in hiring practices for teachers?

Applying Hiring Practices Across the System

Currently, the application of the Regulation's sections is determined by the position to which the teacher is applying. For example, sections 10 to 15 of the Regulation apply to the hiring of occasional teachers in bargaining units represented by OECTA, while members belonging to AEFO are exempt from the Regulation altogether. As such, even though there is a regulation intended to standardize hiring practices across the province, hiring practices look different depending on which position the teacher is applying to.

Discussion Questions:

1. Can a consistent set of hiring practices work effectively across the province?
 - If yes, why?
 - If no, why not?
2. Could there be a parallel set of hiring practices for vice-principals who return to bargaining units?
3. What hiring practice criteria can work if applied across the province (e.g. minimum posting requirements)?

CONCLUSION

As all organizations do, the government must continue to look for innovative best practices that will help us meet our organizational goals of preparing students for success while in K-12 classrooms and following graduation. One way of doing this is to look at the ways we are currently working on meeting our goals and identify opportunities to improve current practices.

Thank you for your interest in this important matter. We look forward to receiving your feedback.

Hiring Practices – Consultation Paper

Appendix 1 – Feedback Form

This is the feedback form that will be used to frame feedback about Ontario Regulation 274/12 – Hiring Practice. Please submit feedback to PTPSB@Ontario.ca by February 22nd, 2019.

Ontario Regulation 274/12 – Hiring Practice Feedback Form
Name: Title (if applicable): Organization (if applicable):
Providing for Teacher Mobility <u>Guiding Questions</u> • What changes could be made to O. Reg. 274/12 to provide greater mobility for relocating occasional and permanent teachers or principals and vice-principals returning to teaching? • Is there a need to have both an OT roster and LTO list, or could these be merged together to create one without hindering clarity and transparency? • How could teaching experience be made portable for hiring purposes (i.e. recognizing all teaching experience, not just experience with a particular board)?
Feedback:
Interviewing the Most Qualified Candidates <u>Guiding Questions</u> • Would increasing the current cap of five teachers to, for example, eight, result in any meaningful and helpful change? Or would this just increase the administrative burden of principals and school boards and add to teacher churn for time to fill vacancies during the school year? • If interview list caps were removed altogether, how should interviews be structured? • Currently the regulation lists three elements ((i) are the most senior, (ii) have the required qualifications for the position and (iii) have agreed to be interviewed) used to select interviewees. What elements would you like to see in a regulation for selecting a group of interviewees that would maintain consistency and transparency?
Feedback:

Hiring Practices – Consultation Paper

Determining the Basis for Hiring

Guiding Questions

- How can the current focus on seniority-based hiring be changed so that hiring practices consider impact on student success, quality of teaching, diversity and transparency, while remaining consistent and fair?
- How can hiring practices that are not seniority-based prevent bias from entering into the hiring process?
- Other than seniority, what components would you like to see in hiring practices for teachers?

Feedback:

Applying Hiring Practices Across the System

Guiding Questions

- Can a consistent set of hiring practices work effectively across the province? If yes, why? If no, why not?
- Could there be a parallel set of hiring practices for vice-principals who return to bargaining units?
- What hiring practice criteria can work if applied across the province (e.g. minimum posting requirements)?

Feedback:

Class Size Engagement Guide

In June 2018, Ontario elected a government committed to restoring accountability and trust in Ontario's public institutions and finances.

Ontario's Government for the People has just concluded the largest public consultation on education in the province's history. This comprehensive education consultation had participation from parents, students, educators, employers and organizations from across Ontario.

We have also recently concluded this year's consultation on education funding reform. The feedback we received will help us to deliver vital education programs and services efficiently.

At the Ministry of Education we are committed to working together with our education partners to achieve student success. We continue to look to our education partners to provide input on how we can achieve greater efficiencies and accountability throughout the sector and, through this guide, we are seeking your input on kindergarten to grade 12 class sizes in Ontario.

Our Government looks forward to working with all of you.

Sincerely,

The Honourable Lisa Thompson,
Minister of Education

About this Engagement

Class size changes potentially affect students and those working in the education sector. We are committed to discussing class size options, with education stakeholders through an engagement process that allows stakeholders to provide the benefit of their expertise, experience, and ideas. This guide is intended to support stakeholders in understanding the government's objectives and assist in the development of stakeholder submissions.

In order to ensure your feedback is considered, please forward your electronic submission by February 22, 2019 to: EDULABFINANCE@ontario.ca.

If you have questions about this engagement, please send them to: EDULABFINANCE@ontario.ca.

Background on Class Size in Ontario

The Class Size regulation made under the *Education Act* (O. Reg. 132/12) governs class sizes in elementary and secondary panels. The funded class size average, or student to educator ratio, is the key driver of funding for each panel and is designed to support boards in meeting regulated class sizes.

The Pupil Foundation Grant, along with the Teacher Qualifications and Experience allocations, are the foundational allocations within the Grants for Student Needs that support the staffing of classroom teachers and Early Childhood Educators (ECEs). The ministry provides the framework, funding, and flexibility needed to support school boards in meeting class size requirements for all grades across the province, but class organization remains a local school board responsibility.

As educator staffing costs represent approximately 80 per cent of the Grants for Student Needs allocation, the province's current fiscal circumstances require an examination of whether changes to class size would allow school boards to deliver better value for government investment.

Current Class Size Model

PANEL	Summary of Regulatory Requirements (O. Reg. 132/12) ¹
ELEMENTARY	
Kindergarten	• The maximum board-wide average class size is 26. • All school boards have a class size limit of 29 students. • Up to 10% of kindergarten classes of a board may exceed the class size limit and have up to 32 students under certain conditions².

¹ This provides a general overview of the Regulation only. The regulation contains further details, including definitions of key terms. Stakeholders should consult the text of the regulation.

² If purpose-built accommodation is not available (this exception will sunset after 2021–2022); If a program will be negatively affected (e.g., French immersion); or where compliance will increase kindergarten/Grade 1 combined classes.

PANEL	Summary of Regulatory Requirements (O. Reg. 132/12) ¹
	The funded average class size is 25.57.
Grades 1-3	- At least 90 per cent of primary classes of a board must have 20 or fewer students. - All school boards have a class size limit of 23 students. - The funded average class size is 19.8.
Grades 4-8	- Maximum board-wide average class size is 24.5, except for certain boards identified in the class size regulation. - The regulation provides for a 5-year transition period, beginning in 2017, at the end of which the maximum board-wide average class size for all board would be 24.5 or lower. - The funded average class size is 23.84.
Mixed Grade	All mixed-grade classes consisting of primary grade students (includes kindergarten) combined with students from junior-intermediate grades (grades 4 to 8) must have 23 or fewer students.
SECONDARY	
Grades 9-12	- The maximum board-wide average class size is 22. - The funded average class size is 22.0.

Hard Caps and Board-Wide Average Class Sizes

The ministry has heard, in previous education funding engagements that implementing hard caps on class sizes (as currently done in kindergarten and grades 1-3) is expensive and difficult for school boards to manage. It has been suggested that board-wide class size averages offer more flexibility for classroom organization and allows for more efficient use of board funds.

For Consideration:

1. Should the regulation continue to set hard caps on class sizes? Why or why not?
2. If hard caps are to be set out in regulation, what is an appropriate class size limit?
3. If hard caps were removed from regulation, what would be an appropriate mechanism to set effective class sizes?
4. Are board-wide averages appropriate to set effective class sizes? Why or why not?
5. Other than hard caps and board-wide averages, is there a different model for setting effective class size that the ministry should consider?

Kindergarten Classroom

The kindergarten maximum average class size requirement of 26 students on a board-wide basis results in an average child to educator ratio of 13:1. Most kindergarten classes are staffed with two qualified educators – a teacher and an ECE.

Ontario Reg 224/10, under the *Education Act*, contains an exception to this requirement. A board is not required to have an ECE in a kindergarten class if there are fewer than 16 kindergarten students in the class. This exception may be applied to one class per school per stream (i.e., one exception is allowed for English classes and one exception for French immersion classes per school). Boards must hire an ECE for all kindergarten classes if there is another class in the same school and the same track with more than 30 students.

For Consideration:

1. What are the implications of the present 'two educator' model for:
 - a. Student outcomes?
 - b. Educator workload and working conditions?
 - c. Value-for-money?
2. Are there other models the ministry should consider?

Overall Class Size

There is little expert consensus on whether and how educational outcomes are affected by class size. The average class size for OECD countries and partner countries/economies in PISA 2015 ranged from less than 20 students in a classroom (e.g. Belgium and Finland) to 40 students or more (e.g. Vietnam, CABA (Argentina), B-S-J-G (China), and Turkey). The relatively larger classroom sizes in Asian countries and their high average student performance is often cited as an example that high performance is possible in larger classrooms (OECD, 2012 and 2016).

Ontario currently has one of the lowest student to teacher ratios among the provinces in Canada with restrictions on class sizes. Yet, when Ontario is compared to all other provinces regarding international testing, PISA 2015, Ontario is statistically performing as follows:

Mathematics: Lower than British Columbia and Quebec, the same as Alberta and Prince Edward Island and above Nova Scotia, New Brunswick, Manitoba, Newfoundland and Labrador, and Saskatchewan.

Reading: The same as Alberta, British Columbia, Nova Scotia and Quebec, and above Manitoba, New Brunswick, Newfoundland and Labrador, Prince Edward Island and Saskatchewan.

Science: Lower than Alberta, British Columbia and Quebec, the same as Nova Scotia and Prince Edward Island and above Manitoba, New Brunswick, Newfoundland and Labrador, and Saskatchewan.

For Consideration:

1. To ensure quality education, for each panel, what class size would be considered too large or too small? Why?
 - a. kindergarten
 - b. grades 1-3
 - c. grades 4-8
 - d. grades 9-12
2. Do changes to class size, in the range of 1-6 students, affect educator workload and working conditions?
 - a. If so, do these effects have an impact on students' learning outcomes?
 - b. How could such effects be mitigated?
3. Is there any other feedback that you think should be considered that has not been addressed so far?

Conclusion

Ontario has a world-class publicly funded education system but others are quickly catching up. Through these types of engagements, the ministry challenges the status quo and seeks opportunities to do things better for the children in the Province of Ontario.

Thank you for taking the time to read this guide. We look forward to your feedback.