

OPSBA Directors' Report, February 2019

Trustees Parthi Kandavel, Shelley Laskin and Jennifer Story

Ontario Public School Boards' Association (OPSBA)

The Ontario Public School Boards' Association represents public district school boards and public school authorities across Ontario, which together serve more than 1.3 million public elementary and secondary students. The Association advocates on behalf of the best interests and needs of the public school system in Ontario. OPSBA is seen as the credible voice of public education in Ontario and is routinely called on by the provincial government for input and advice on legislation and the impact of government policy directions.

The strength of OPSBA lies in the Association's ability and willingness to recognize and support the various interests of the Member Boards of all sizes from all Regions of the province.

The TDSB elects 3 Directors who attend Board of Directors' meetings and ensure our board's concerns are presented to the Regional Council – one of our Directors also serves on the Executive Council as Enrolment Vice-President. For the 2018-19 School Year we also have two trustees representing Central East on both the Education and Policy Issues Work Groups.

OPSBA'S Multi-Year Priorities 2018-2019

- The Whole Child and Student Well-Being for Today and Tomorrow
- Advancing Reconciliation – First Nations, Métis and Inuit Education
- Trustees as Leaders in Public Education
- Education Funding
- Labour Relations

Preliminary Discussion on 2019-2020 Priorities (*See Report*)

Legislative Update, February 19, 2019

The Legislative Assembly of Ontario returns February 19, 2019. Following is an update on legislation that OPSBA is monitoring and other recent items.

Bill 66, Restoring Ontario's Competitiveness Act

On December 6, Economic Development Minister Todd Smith introduced Bill 66, Restoring Ontario's Competitiveness Act. The omnibus bill includes changes to 12 different ministries and proposes to change business regulations relating to toxic chemicals, employment standards, child care caps, safety in assembly plants, pawnbrokers, food safety testing, wireless cellphone contracts, agriculture, water extraction permits, wastewater treatment, private career colleges

and more. OPSBA is reviewing the proposed changes to the Education Act and the Child Care and Early Years Act. Current Status: Second Reading

Bill 56, Keeping Students Safe on School Buses Act

This bill was introduced on November 14 by Liberal education critic Kathleen Wynne. If passed, the legislation would make seat belts mandatory on forward-facing school bus seats by 2020. Current Status: Referred to the Standing Committee on Social Policy

Bill 48, Safe and Supportive Classrooms Act

On October 25, Minister of Education Lisa Thompson introduced Bill 48, Safe and Supportive Classrooms Act. The legislation, if passed, would require teachers to pass a math test before getting licensed and would revoke teaching certificates from teachers disciplined by the profession's regulatory body for committing sexual abuse against a student or child. The bill also proposes an amendment regarding the use of service animals in schools and classrooms. OPSBA will continue to review the proposed changes with the Policy Development and Education Program work teams. Current Status: Second Reading

Hiring Practices and Class Size Consultations

Earlier this week, OPSBA provided the Ministry of Education with a submission for regulation consultation on Hiring Practices (Ontario Regulation 274/12) and Class Size (Ontario Regulation 132/12). Our submission was based on feedback after consulting with member boards via their trustees (at the Public Education Symposium session), HR leads (senior negotiators), the Association's Labour Relations Steering Committee, senior staff input and past commentary. The consultation deadline is February 22, 2019. ***(See Report appended)***

Other information

February 15, 2019: News Release - EQAO Welcomes Dr. Cameron Montgomery, Chair of Its Board of Directors

February 6, 2019: News Release - Ontario Takes Decisive Action to Help More Families with Autism

February 4, 2019: B04 Memo - Technical Details for the Release of EPO Funding to Support Executive Compensation

February 1, 2019: B05 Memo - CUPE Violence Prevention Training

EQAO Memo - Invitation to School Board Trustees - EQAO Web Conferences – information about three upcoming web conferences to be held on March 18, March 19 and March 20, 2019. Registration deadline is March 8, 2019.

OPSBA statement regarding possible school board amalgamations – February 15, 2019

"As the government continues its focus on fiscal restraint, there have been a number of rumours about options being considered to achieve their budget objectives. To date, we have not received confirmation the government is pursuing regional amalgamations of school boards. However, history has shown that forced amalgamations don't necessarily result in cost savings and can negatively impact the cultures of school boards that take years to overcome. School boards are constantly seeking ways to be more efficient and find savings and will continue to ensure every dollar goes where it is most needed – to support student achievement and well-being. If this is an option the government is exploring, as the leading education advocate in the province representing English public school boards, we would expect to be consulted and involved in any potential discussions." Cathy Abraham, President

Save the Dates!

2019 Education Labour Relations and HR Symposium

Sheraton Centre Hotel, Toronto

April 4 and 5

Registration for OPSBA's premier labour relations and human resources professional learning opportunity [is open!](#)

National Trustees Gathering on Indigenous Education

Westin Harbour Castle Hotel, Toronto

July 3, 2019

Keynote speakers to include Malcolm Saulis, Indigenous Scholar/Elder at Wilfrid Laurier University.

CSBA Congress and OPSBA AGM

"Leading Today with a Vision for Tomorrow"

Westin Harbour Castle Hotel, Toronto

July 4 to 7, 2019

Keynote speakers will include Dr. Gabor Maté, renowned specialist on addiction, depression and child development and communications consultant Brian Woodland.

Online conference registration will open in March!



ONTARIO PUBLIC
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ASSOCIATION

Leading Education's Advocates

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Cathy Abraham
President

W.R. (Rusty) Hick
Executive Director

February 14, 2019

To: OPSBA Board of Directors
Directors of Education

From: W.R. (Rusty) Hick, Executive Director

Subject: Class Size and Hiring Practices Regulations Consultation

On January 23, 2019 the government released their Engagement Guides, inviting education partners to provide input on teacher hiring practices (Regulation 274/12) and class sizes (Regulation 132/12) in Ontario.

OPSBA has advocated on these matters over time and more recently hosted two consultations with our member boards. On January 24, 2019, OPSBA consulted with Senior Negotiators from across the province and on January 25, 2019, with member board Trustees and their Directors of Education, at the Public Education Symposium (PES). Attached you will find OPSBA's submission to the Provincial Government regarding these regulations.

OPSBA is appreciative of the opportunity to be consulted on these important matters.

Should you have any questions, please feel free to contact us.

Best regards,

W.R. (Rusty) Hick
Executive Director



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Cathy Abraham
President

W.R. (Rusty) Hick
Executive Director

February 14, 2019

To: The Honourable Lisa Thompson, Minister of Education

Cc. Martyn Beckett, Assistant Deputy Minister, Student Achievement Division
Andrew Davis, Assistant Deputy Minister, Education Labour and Finance Division.

From: W.R. (Rusty) Hick, Executive Director

Subject: Class Size and Hiring Practices Regulation Engagement

The Ontario Public School Boards' Association represents English public school boards and school authorities across Ontario, which together serve more than 1.3 million public elementary and secondary students. The Association advocates on behalf of the best interests and needs of students in the English public school system in Ontario. OPSBA believes that the role of public education is to provide universally accessible education opportunities for students of all ethnic, racial or cultural backgrounds, social or economic status, individual exceptionality and faith. Under the *School Boards Collective Bargaining Act (SBCBA)*, OPSBA is the designated employer bargaining agent for all 31 English Public School Boards as well as the school authorities.

OPSBA appreciates this opportunity to engage with the Government in the consultation on Regulation 132/12 Class Size and Regulation 274/12 Teacher Hiring.

Background

Over the years that OPSBA has been advocating on behalf of English public school boards in Ontario there have been opportunities to engage in dialogue and consultation with previous governments regarding class size and teacher hiring. OPSBA has always provided considered feedback based on its own consultations with trustees and staff from member school boards. Since the introduction of Regulation 274/12, OPSBA's consultations have revealed the many challenges and inequities this regulation has created regarding the hiring of teachers in the province of Ontario.

Based on its previous consultations, OPSBA has held the view that the flexibility found in class size averages provides the best opportunity for school boards to meet the unique learning needs of each student. We will comment further on this position based on the most current consultation with member boards later in this report.

In order to ensure the feedback provided for this consultation is reflective of the current views of our member boards, on January 24, 2019, OPSBA consulted with school board's Senior Human Resources Officials. In addition, on January 25, 2019, OPSBA consulted with more than 300 elected school board trustees together with their Directors of Education who participated in OPSBA's *Public Education Symposium* (PES).

Class Size

Overall Class Size (K-12)

OPSBA's view is that board-wide class size averages, together with a designated count date (and in semestered secondary schools, two count dates), gives school boards much needed flexibility, allowing them to provide the best learning environments for students.

OPSBA is not advocating for increases in class size, but rather, that board-wide class averages provide much needed flexibility, which in one case might increase the size of a class, but would decrease the size of another class. Flexibility and full funding are the drivers that allow school boards to not only meet the needs of students but also manage their human and physical resources in an effective manner.

Class size averages allow school boards to:

- respond to fluctuations in student enrollment with minimal class disruption that, under class size caps, forces students to change teachers after school has begun,
- create learning environments to best meet individual student needs,
- provide an environment for instructional continuity in the classroom for both students and teachers,
- create the best learning and teaching environments for students and teachers based on local needs, and
- deploy their most valuable resources, educators, in the most effective way.

Secondary schools deliver a wide variety of programming choices that require flexibility in organization. A centrally determined rigid minimum or maximum number for class size in secondary schools fails to consider:

- the impact this would have on students' ability to earn the credits required for graduation,
- the availability of specialized facilities,
- the safety requirements in equipment based programs such as technical studies,
- a school boards need for flexibility to support varied program choices that actively engage students in their learning,
- that the widest variety of options are ensured to support students in their career choices, for example: specialist high skills major or skilled trade programming, and
- that one size fits all does not work for all school boards given the variation in size and geography across the province.

In summary, OPSBA believes that school boards require the flexibility that is afforded by class size averages to provide the best learning environment for all students.

Kindergarten Delivery Model:

OPSBA has consistently supported the current two-educator model for the delivery of the full day kindergarten program. The kindergarten program has evolved over time in its intentional play based instructional approach with targeted assessment practices to monitor and report on student progress. This support was reinforced in recent consultations because full day kindergarten supports positive student outcomes and levels the playing field for all students.

Since the introduction of the new kindergarten program, positive impact has been made on student readiness to learn as well as social and emotional learning and overall well-being. This program allows for early intervention to maximize the outcomes for all learners and early engagement of parents in their child's learning which is a key factor in long term student success.

In 2009, a document entitled *With our Best Future in Mind* was released. It outlined the expansion of part time kindergarten programs to a delivery model that included the full day for junior and senior kindergarten students. OPSBA suggests the government should review this report together with more recent evidenced based research if it is considering changes to the current model to address identified local needs, such as the inclusion of indigenous elders.

Regulation 274/12 – Teacher Hiring Practices

Since the introduction of Regulation 274/12 in 2012, which favours seniority as the most important factor in teacher hiring, OPSBA has maintained that hiring is the responsibility of the employer and that fair, equitable hiring practices that reflect local needs are critical to improving student achievement and well-being.

There are many challenges that currently exist for school boards as a result of the introduction of Regulation 274/12. They include:

- an inability to address diversity and equity in hiring,
- the limitations on boards to hire the teachers that reflect the needs of the school community,
- providing instructional continuity in the classroom where multiple postings are required,
- the pressure occasional teachers feel to be on multiple school board lists,
- the inability of permanent teachers to seek employment at a different school board, and
- the restrictions for principals and vice-principals to return to teaching.

Seniority based hiring as required by Regulation 274/12 has created more inconsistencies in teacher hiring in Ontario rather than reducing them. For example, under the regulation there are different hiring requirements depending on the school board sector to which a teacher applies. In the case of English public school boards there are differences between being hired as an elementary teacher or secondary teacher even though the same individual may be qualified to be hired in either panel. Some of these inconsistencies were brought about by the five revisions (in 2013, 2015, 2016, June and November 2017) to the Regulation since 2012 which have essentially quadrified the regulation by sector. This regulation has also disadvantaged teachers who are new to the profession and has become a deterrent to entering the teaching profession. To become a teacher in Ontario you must first complete six years of post-secondary education followed by an additional 16 months to qualify for permanent employment as a teacher.

The many attempts to bring about improvements to Regulation 274/12 have been unsuccessful. OPSBA has participated in each and every opportunity that has been provided in an effort to bring about positive change. These opportunities have included: participating in committees with the Crown and teacher unions, participating in writing the resulting reports and recommendations from those committees, negotiated improvements, and ongoing dialogue with both the Crown and teacher unions regarding the challenges and barriers the Regulation has created. Local school boards have also attempted to bring refinements to their hiring processes under this regulation, but have largely been unsuccessful.

Given these attempts at improving the regulation have not addressed the challenges and inequities, OPSBA is not confident that further revisions to a fundamentally flawed regulation will bring about the desired changes the government and school boards are looking for, and would respectfully suggest that Regulation 274/12 be repealed. Instead all school boards should commit to transparent, fair and equitable hiring practices as outlined below.

Fair and Equitable Hiring Practices:

1. Ensure that every school board has a hiring policy, procedure and process that is equitable, transparent and monitored and must include the following principles:
 - A posting protocol for vacant positions, including timelines
 - Use of hiring teams that value equity and diversity
 - An interview process for every vacancy
 - Common and consistent set of questions and rubrics to evaluate applicants
 - Involvement of the Board Equity Officer/Board Integrity Officer/other appropriate staff in the development of policies and procedures
 - Candidate debriefing upon request
 - Periodic auditing of the process
2. Ensure that school boards have (and post on their websites) recruitment and hiring policies, procedures and practices that address:
 - Conflict of interest (that include reporting relationships with family members)
 - Whistleblowing
3. Other best practices that may be included in the establishment of a hiring policy include (but are not limited to):
 - Use of Central Hiring teams
 - Creating a system where anonymous evaluation of applicants is implemented in order to avoid bias, conscious or unconscious
 - Including all stakeholders in the development of the hiring policy/procedure

In summary, OPSBA continues to maintain that hiring is the responsibility of the employer and that fair, equitable hiring practices that reflect local needs are integral to a strong public education system that maximizes the opportunities for all learners.

Next Steps

OPSBA understands the fiscal challenges facing the province and appreciates the opportunity the government has provided to help find solutions that balance fiscal responsibility with supporting student achievement and well-being which is always the top priority for school boards.

OPSBA is available for clarification, additional comment and feedback should the government identify the need for further consultation on these matters.

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