



July 27, 2021

The Honourable Stephen Lecce  
Minister of Education  
438 University Avenue, 5<sup>th</sup> Floor  
Toronto ON M7A 2A5

Dear Minister Lecce,

We are writing to share recommendations made by the Transition Supervisory Officer (TSO) to amend the Ontario College of Teachers Act (OCTA) to ensure that members who have been suspended for non-payment of fees (SNPF) and who wish to return to a good standing status must first successfully complete the sexual abuse prevention program (SAPP) requirements.

Introduced into the College's Act in November 2020, the SAPP requires that all College applicants and members, including those individuals who are returning to the College after a period of administrative suspension, are aware of the devastating impact of sexual abuse on victims, cognizant of the danger signs and know how to prevent such abuse from happening. Amendments to the Teachers' Qualification Regulation (TQR) ensuring current and future College members participate in the SAPP are now being finalized and scheduled for Cabinet consideration in August 2021.

As currently written, there is a loophole whereby individuals whose certificates have been suspended under the Act as a result of non-payment of membership fees are not currently required to complete the SAPP. This is because once those fees have been paid and the suspension has been lifted, the individual is entitled to continue as a member in good standing and is eligible for employment in a public school board. The member is not required to apply for a new certificate and therefore not required to complete the SAPP.

It is important to ensure that all College members who have been inactive be required to complete the SAPP prior to returning to practice, particularly for members who have been out of a classroom for several years, to ensure currency and relevancy in their knowledge and skills and uphold their responsibilities to students and the public as a certificate holder.

On July 26, 2021, the Transition Supervisory Officer, acting in his capacity as Council, approved the following recommendation:

**That s. 24(3) of the Ontario College of Teachers Act be amended as follows to impose an additional requirement that completion of the sexual abuse prevention program is mandatory before a suspension for non-payment of fees will be lifted.**

**24 (3) A person whose certificate of qualification and registration was suspended by the Registrar under subsection (1) is entitled to have the suspension removed on payment of the fees and penalties prescribed by the by-laws and evidence satisfactory to the Registrar that the applicant has successfully completed the sexual abuse prevention program educational requirements in clause 47.2 (3) (a) of the Act or on provision of the information required by the by-laws, as the case may.**

A supporting briefing note on this topic is enclosed with this letter.

The College looks forward to working with the Ministry of Education staff to develop legislative language for the TSO's consideration.

Sincerely,



Paul Boniferno  
Transition Supervisory Officer



Dr. Derek Haime, OCT  
Registrar and Chief Executive Officer

Encl:

- Sexual Abuse Prevention Program - Reinstatement

PB/DH/TC/tk-ccs



Ontario  
College of  
Teachers

Ordre des enseignantes  
et des enseignants  
de l'Ontario

# Briefing Note

## Sexual Abuse Prevention Program – Reinstatement

### Issue

Section 47.2 of the *Ontario College of Teachers Act* [OCTA] requires the College to develop a sexual abuse prevention program [SAPP].

In order to ensure that current and future College members participate in the SAPP, amendments to the Teachers' Qualification Regulation [O.Reg. 176/10 or the TQR] are required. Amendments to this regulation are now under development and scheduled for Cabinet consideration in August, 2021.

In addition to the regulatory changes, the College has received legal advice that a legislative amendment to the OCTA is required to ensure that members who have been suspended for non-payment of fees (SNPF) and who wish to return to a good standing status must first successfully complete the SAPP requirements.

### Background

The TQR prescribes certification requirements applicable to College applicants. It also prescribes requirements that apply to those whose certificates have been cancelled because of a resignation or because the certificate had expired. Proposed amending language to the TQR covers both of these scenarios. It does not,

however, require that individuals whose certificates have been suspended as a result of non-payment of membership fees successfully complete SAPP prior to returning to good standing status.

They are not currently included because once those fees have been paid and the suspension has been lifted, the individual is entitled to continue as a member in good standing and is eligible for employment in a public school board. The member is not required to apply for a new certificate.

### Legislative Context

Subsection 24(1)(a) provides that the Registrar may suspend a member's certificate for failure to pay a fee or a penalty prescribed under the bylaws.

Subsection 24(3) of the OCTA provides that an individual whose certificate was suspended by the Registrar under s.24(1) is "entitled to have the suspension removed on payment of the fees and penalties...".

### Considerations/Analysis

The College has the jurisdiction under s. 3(1), para. 6 to "provide for the ongoing education" of its members as one of its legislated objects. Further, the College

has a statutory obligation to serve and protect the public interest while carrying out these objects. The SAPP falls within this category.

The SAPP provisions were added to the OCTA to ensure that all College applicants and members, including those individuals who are returning to the College after a period of administrative suspension, are aware of the devastating impact of sexual abuse on victims, cognizant of the danger signs and know how to prevent such abuse from happening. Thus, it is important to ensure that all College members who have been inactive be required to complete the SAPP prior to returning to practice.

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### **Recommendation**

In order to ensure that all applicants and members are subject to the requirement that they complete the SAPP, a statutory amendment to s. 24(3) is required. It is recommended that s. 24(3) be amended to impose an additional requirement that completion of the SAPP is mandatory before a suspension for non-payment of fees will be lifted.

Although members who have a SNPF status are covered under Part 5 of the amending regulation, ensuring completion of the SAPP prior to re-entering a

classroom, particularly for members who have been out of a classroom for several years, will ensure currency and relevancy in their knowledge and skills and uphold their responsibilities to students and the public as a certificate holder.

The following addition to s. 24(3) could be considered:

**24 (3) A person whose certificate of qualification and registration was suspended by the Registrar under subsection (1) is entitled to have the suspension removed on payment of the fees and penalties prescribed by the by-laws and evidence satisfactory to the Registrar that the applicant has successfully completed the sexual abuse prevention program educational requirements in clause 47.2 (3) (a) of the Act or on provision of the information required by the by-laws, as the case may.**

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### **Link to Strategic Initiatives**

This recommendation falls squarely with the College's strategic priority to strengthen transparency and accountability by ensuring that all its members have completed the SAPP.

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