



Ontario's Teaching Regulator  
L'organisme de réglementation  
de l'enseignement en Ontario

# Memo

**Date:** May 29, 2023

**To:** Council of the Ontario College of Teachers

**From:** Jason Bennett  
Director of Policy, Governance and Tribunals

**Subject:** Update re: Legislative and Regulatory Amendment Requests

Bill 98, the *Better Schools and Student Outcomes Act, 2023*, introduced on April 17, 2023, proposes a number of amendments to the *Ontario College of Teachers Act, 1996* requested by Council in recent years.

To provide a better understanding of requests made, granted and outstanding over the last few years, the following table outlines all requests for changes in legislation or regulations made by Council and the current status of each request. The table also illustrates the College's reliance on the Ministry of Education as a statutory regulator and the importance of that relationship in meeting the College's legislated mandate.

Of the 36 discrete requests below, 9 are expected to be granted via Bill 98; 6 were previously granted and are now complete; 1 has been addressed by other means; and 20 are pending.

## 1. Ontario College of Teachers Act, 1996

	Topic	Date of Initial Council Request	Subsequent Requests	Comments	Status
1	Stay Pending Appeal (Bill 37 proposal)	October 11, 2016	September 18, 2018 September 6, 2019 February 25, 2020 May 22, 2020 May 10, 2021 [TSO]	An order to revoke a certificate for any reason should apply immediately despite any appeal. Currently, this only happens when revocation occurs for sexual abuse, child pornography, incompetence, incapacity or if College applies to judge to deem public at risk. Also need to add 'prescribed sexual acts'.	Bill 98 amendments forthcoming

	<b>Topic</b>	<b>Date of Initial Council Request</b>	<b>Subsequent Requests</b>	<b>Comments</b>	<b>Status</b>
2	Funding for Therapy Nexus	June 28, 2021 [TSO]	January 26, 2022 [TSO]	Remove the requirement that funding can be provided if the victim was a student of the Member.	Bill 98 amendments forthcoming
3	Retroactive Revocation – Meaning of “Order”	January 27, 2022 [TSO]	n/a	Clarify that a former member can only apply for reinstatement 5 years from the date of retroactive revocation (to do this word “order” must be expanded in the relevant section).	Bill 98 amendments forthcoming
4	IC Direct Referral	May 10, 2021 [TSO]	n/a	Remove requirement that agreement by member and IC for a direct referral to DC be made in writing.	Bill 98 amendments forthcoming
5	IC Outcomes	May 10, 2021 [TSO]	n/a	Broaden IC authority so that it can order remedial coursework/ training.	Bill 98 amendments forthcoming
6	Administrative Revocation	May 10, 2021 [TSO]	n/a	If the member has been criminally convicted for act of sexual abuse, child pornography or prescribed sexual act underlying a complaint, no appeal has been made, and penalty is mandatory revocation, the Discipline Committee can revoke without a hearing.	Bill 98 amendments forthcoming
7	School Board as Complainant (Bill 37 proposal)	October 11, 2016	September 18, 2018 September 6, 2019 May 22, 2020 May 10, 2021 [TSO]	Removing the provision that the employer becomes the complainant to a matter when an employer report required under the <i>Ontario College of Teachers Act</i> is filed.	Bill 98 amendments forthcoming

	<b>Topic</b>	<b>Date of Initial Council Request</b>	<b>Subsequent Requests</b>	<b>Comments</b>	<b>Status</b>
8	Amendments to Employer Reporting Requirements (Bill 31 proposal)	March 1, 2018	May 22, 2020 May 10, 2021 [TSO]	Expand the fine mechanism if employers fail to provide additional information to the College in discipline matters.	Bill 98 amendments forthcoming
9	SAPP completion before suspension removed	July 27, 2021	n/a	Ensure that members who have been suspended for non-payment of fees (inactive/non-practicing) and who wish to return to a good standing status must first successfully complete the sexual abuse prevention program requirements.	Bill 98 amendments forthcoming
10	Registrar's Discretion Not to Investigate	May 10, 2021 [TSO]	n/a	Allow for the Registrar to not move a complaint forward to IC if they decide not to investigate if they determine investigation is not in the public interest.	Pending
11	Mandatory Penalties During Transition	May 10, 2021 [TSO]	n/a	Consequential change to add 'prohibited act involving child pornography' and 'prescribed sexual act' to mandatory penalty clauses of the Transition section.	Pending
12	AQs in Bylaw	May 10, 2021 [TSO]	n/a	Transfer development, review, modification of AQs from regulation-making authority of Council to bylaw-making authority of Council	Pending (see 19 - <i>Authority to Review Additional Qualification Changes</i> below)
13	Obtaining Information on Criminal Proceedings	September 17, 2021 [TSO]	n/a	Amend the Act and the General Regulation to allow the College access to information about	Pending

	Topic	Date of Initial Council Request	Subsequent Requests	Comments	Status
				criminal proceedings by compelling other organizations (e.g. police forces, child and family services, etc. that may have information relevant to a College investigation) to disclose information to the College; or giving the Act precedence over other legislation.	
14	Removing Notations in Withdrawals and Not Guilty Findings	October 11, 2016	September 18, 2018 September 6, 2019 May 10, 2021 [TSO]	Removing requirement for notations to appear on public register if there is a withdrawn Notice of Hearing or a Not Guilty finding.	Addressed by s. 20.02 of College Bylaws
15	Definition of "Spouse" (Bill 37 proposal)	October 11, 2016	September 18, 2018 September 6, 2019 May 22, 2020 May 10, 2021 [TSO]	Delete the exemption that a "student" does not include a member's spouse for the purposes of definitions of "sexual abuse" and "sexual misconduct"	Pending (deemed by College to be low priority)
16	Title Protection	October 21, 2021 [TSO]	November 5, 2021 [TSO]	Ensure that a person whose certificate of qualification and registration is suspended or in inactive/non-practising status is not a member of the College during the period of suspension or inactivity (Nov 2021 letter maintains jurisdiction over members during period of suspension or inactivity).	'OCT' title protection and new designation "OCT – Inactive / Non-Practising" took effect January 1, 2022.

## 2. Regulation 347/02 (Accreditation of Teacher Education Programs)

	Topic	Date of Initial Council Request	Subsequent Requests	Comments	Status
17	Housekeeping Amendments	July 12, 2018	September 18, 2018 September 6, 2019 May 22, 2020	Remove provisions related to harmonization of programs offered by providers and transitional related to the implementation of the two-year initial program. Clarify evaluation component of the practicum for teacher candidates and leadership practicum requirements for the Principal and Supervisory Programs.	Pending
18	Condition Compliance	July 12, 2018	September 18, 2018 September 6, 2019 February 25, 2020 May 22, 2020	Provide the Accreditation Committee of the College with the authority to revoke the accreditation of a program, or grant an extension to the time period to satisfy conditions, when conditions have not been satisfied within the time specified in the accreditation decision	Pending
19	Authority to Review Additional Qualification Changes	June 27, 2022	n/a	Transfer the authority to review and determine if existing Additional Qualification programs continue to qualify for accreditation from the Accreditation Committee to the Standards of Practice and Education Committee (amending both the Accreditation of Teacher Education	Pending (see 12 - Aqs in Bylaw above)

				Regulation and the General Regulation).	
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### 3. Regulation 439/20 (Alternative Eligibility Requirements for Therapy or Counselling)

	Topic	Date of Initial Council Request	Subsequent Requests	Comments	Status
20	Prescribed Sexual Acts	June 28, 2021 [TSO]	January 26, 2022 [TSO]	Add 'prescribed sexual acts' to the regulation as a consequential change to reflect the introduction of this heading in the Act (amendments to O.Reg. 439/20 and O.Reg. 438/19 required)	Pending

### 4. Regulation 176/10 (Teachers' Qualifications)

	Topic	Date of Initial Council Request	Subsequent Requests	Comments	Status
21	Previously Held Certification	August 2, 2017	September 18, 2018 September 6, 2019 May 22, 2020	Allow labour mobility applicants to apply for certification if they previously held certification in another Canadian province/territory. The loss of certification must solely be due to failure to pay fees. This route is already available for IETs.	Pending
22	Criminal Records Screening	November 14, 2018	May 22, 2020	Require that applicants submit the Criminal Records and Judicial Matters check as part of their application for certification.	Pending
23	Programs of Professional	September 24, 2020	n/a	Change the definition of "program of professional	Pending

	Topic	Date of Initial Council Request	Subsequent Requests	Comments	Status
	Education Must Be Accredited			education” to include the requirement that programs be accredited, approved or recognized in another jurisdiction for the purposes of equivalency.	
24	Math Proficiency Test Notation	April 28, 2021 [TSO]	n/a	Allow for successful completion of MPT to be reflected on certificates	Pending (MPT is not currently a certification requirement)
25	Temporary Certificate – Extension and Expansion  <i>Building Opportunities in the Skilled Trades Act (BOSTA)</i>  Inactive/Non-Practising Professional Designation	November 22, 2021 [TSO]	n/a	Extend Temporary Certificates of Qualification and Registration granted in 2021; and offer one-year Temporary Certificates to Ontario teacher candidates set to complete their teacher education programs in 2022, as well as eligible labour mobility applicants.  Consequential amendment to reflect BOSTA in definition of certificate of apprenticeship.  Creating a new “OCT-Inactive/Non-Practising” designation which can be used by all members in the new “Inactive/Non-Practising” membership status, which is set to replace the Suspended-Non-Payment of Fees status.	Granted:  Temporary Certificate was extended and expanded as requested.  BOSTA consequential amendments were made November 2021.  New designation, “OCT – Inactive / Non-Practising” took effect January 1, 2022.

	Topic	Date of Initial Council Request	Subsequent Requests	Comments	Status
26	Language Proficiency	July 12, 2021 [TSO]	n/a	Remove exemption to the language proficiency requirement due to upcoming introduction of new language competency assessment test.	Pending
<b>New AQs, Schedule and Name Change Requests</b>					
27	Teaching Students with Communication Needs (Autism Spectrum Disorders) (Schedule D)	March 2, 2018	September 18, 2018 September 6, 2019 May 22, 2020 February 19, 2021 [TSO]	Schedule Change from Schedule C to Schedule D; Request based on feedback received from stakeholders, sector associations, experts and/or members	Pending
28	Anti-Black Racism AQ Name Change to Addressing Anti-Black Racism to Change Pedagogy and Practice	January 26, 2022 [TSO]	n/a	Request to change name based on feedback received from stakeholders, sector associations, experts and/or members.	Pending
29	Holocaust Education and Countering Antisemitism	April 4, 2023	n/a	Request based on requests from community organizations and Minister's letter of November 9, 2022.	Pending
<b>Revoked AQs</b>					
30	Teaching Students with Communication Needs (Autism Spectrum Disorders) (Schedule C)	March 2, 2018	September 18, 2018 September 6, 2019 May 22, 2020 February 19, 2021 [TSO]	Request based on feedback received from stakeholders, sector associations, experts and/or members	Pending

### 5. Regulation 345/96 (Appointments)

	Topic	Date of Initial Council Request	Subsequent Requests	Comments	Status
31	LGIC Appointments to Council	September 3, 2021 [TSO]	n/a	Ensure that former members of the College are not eligible to serve on Council as a public appointee.	Pending

### 6. Regulation 564/21 (Transitional Matters and Duties of Transition Supervisory Officer)

	Topic	Date of Initial Council Request	Subsequent Requests	Comments	Status
32	Prescribe end date of the 'transition period'  Transitional Provisions of the Act not be repealed until a date to be determined.			Setting January 31, 2022 as the end of the transition period and the Transition Supervisory Officer's appointment.  Requesting that Transitional Provisions (Part XII) not be repealed until a date TBD.	Granted

### 7. Other Legislation

	Topic	Date of Initial Council Request	Subsequent Requests	Comments	Status
33	<i>Criminal Records Act</i> – Vulnerable Sector Verifications	September 3, 2021 [TSO]	n/a	Amend s. 6.3 of the <i>Criminal Records Act</i> (Canada) to authorize the College to request Vulnerable Sector Verifications.	Pending
34	<i>Fair Access to Regulated Professions and Compulsory</i>	March 7, 2022	n/a	Recommendation re: language proficiency, emergency plan	Complete (College's feedback provided)

	<b>Topic</b>	<b>Date of Initial Council Request</b>	<b>Subsequent Requests</b>	<b>Comments</b>	<b>Status</b>
	<i>Trades Act – Request for Regulatory Proposal Input</i>			provisions, decision-making timeframes.	
35	<i>Fair Access to Regulated Professions and Compulsory Trades Act – Request for Regulatory Proposal Input</i>	March 28, 2022	n/a	Recommendations re: proposed time limits for making and communicating certification decisions; clarifying the College's unique certification regime.	Complete (College's feedback provided)
36	<i>Fair Access to Regulated Professions and Compulsory Trades Act – Request for Regulatory Proposal Input</i>	October 20, 2022	n/a	Providing comments on the proposal to amend Ontario Regulation 261/22 under the <i>Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACTA)</i> .	Complete (College's feedback provided)