



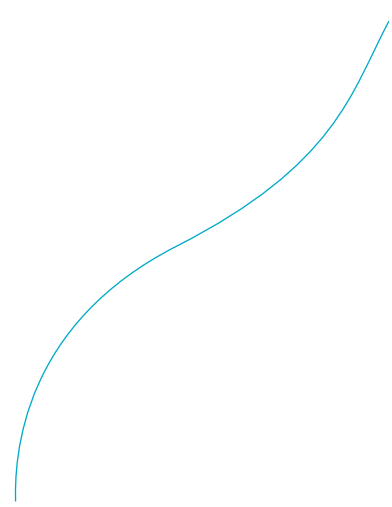
Ontario
College of
Teachers

Ordre des enseignantes
et des enseignants
de l'Ontario

Incompetence and the Teacher Performance Appraisal

Guide for the Investigation Committee and Discipline Committee

June 13, 2019



Incompetence and the Teacher Performance Appraisal —

Guide for the Investigation Committee and Discipline Committee

The guide below sets out the *Standards of Practice for the Teaching Profession* (the Standards) that guide the daily practice of members of the Ontario College of Teachers. The guide also sets out the 5 domains and 16 competency requirements of the Teacher Performance Appraisal (TPA), which the Ministry of Education requires to be met by all “new” and “experienced” teachers who have been certified by the College and have been hired into permanent positions at a school board, school authority, or provincial school.ⁱ

The TPA domains and competencies were derived from the Standards,ⁱⁱ and the guide demonstrates these connections by setting out the Standard that each TPA domain and its competencies are derived from. The historical foundation linking the Standards and the TPA and their critical role in guiding teaching practice mean that the guide can be used by panels of the Investigation Committee and Discipline Committee in their consideration of complaints relating to allegations of incompetence pursuant to s. 30(3) of the *Ontario College of Teachers Act* that arise from unsatisfactory TPAs. The unsatisfactory TPA may be read in conjunction with the Standards to determine if,


“the member has displayed in his or her professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of a student of a nature or extent that demonstrates that the member is unfit to continue to carry out his or her professional responsibilities or that a certificate held by the member under this Act should be made subject to terms, conditions or limitations.”


[S. 30(3) of the *Ontario College of Teachers Act*]


The guide is non-exhaustive and not a singular directive on member conduct. There may be



other requirements used to guide a member’s practice in accordance with the Standards or the TPA.ⁱⁱⁱ Allegations of incompetence need not relate to an unsatisfactory TPA, and an unsatisfactory TPA may be relevant to allegations of professional misconduct as well as incompetence. Accordingly, panels of the Investigation Committee and Discipline Committee are not bound by the guide and the guide is not intended to restrict or limit their discretion. Panels of the Investigation Committee and Discipline Committee must always use their discretion when considering the particular facts of any incompetence matters. Although there may be other relevant factors, the absence of one or more of the TPA competencies in a member’s practice may be used in the determination of whether there can be a finding of incompetence.

The guide will be posted on the College’s website. As such, it will be available to members, including those whose conduct is before the Investigation and Discipline Committee. The use of the Standards and the TPA in this guide is for the purposes of licensure and is not intended to offer guidance with respect to the employment of members, including the performance appraisal of members.

STANDARDS OF PRACTICE FOR THE TEACHING PROFESSION (Ontario College of Teachers)			TEACHER PERFORMANCE APPRAISAL (Ministry of Education)	
STANDARD OF PRACTICE	DESCRIPTION		DOMAIN	COMPETENCY
Commitment to Students and Student Learning	Members are dedicated in their care and commitment to students. They treat students equitably and with respect and are sensitive to factors that influence individual student learning. Members facilitate the development of students as contributing citizens of Canadian society.		Commitment to Pupils and Pupil Learning	<ul style="list-style-type: none"> Teachers demonstrate commitment to the well-being and development of all pupils.* Teachers are dedicated in their efforts to teach and support pupil learning and achievement.* Teachers treat all pupils equitably and with respect.* Teachers provide an environment for learning that encourages pupils to be problem solvers, decision makers, lifelong learners, and contributing members of a changing society.*

STANDARDS OF PRACTICE FOR THE TEACHING PROFESSION (Ontario College of Teachers)			TEACHER PERFORMANCE APPRAISAL (Ministry of Education)	
STANDARD OF PRACTICE	DESCRIPTION		DOMAIN	COMPETENCY
Professional Knowledge	Members strive to be current in their professional knowledge and recognize its relationship to practice. They understand and reflect on student development, learning theory, pedagogy, curriculum, ethics, educational research and related policies and legislation to inform professional judgment in practice. ^{iv}		Professional Knowledge	<ul style="list-style-type: none"> Teachers know their subject matter, the Ontario curriculum, and education-related legislation.* Teachers know a variety of effective teaching and assessment practices. Teachers know a variety of effective classroom management strategies. Teachers know how pupils learn and the factors that influence pupil learning and achievement.

STANDARDS OF PRACTICE FOR THE TEACHING PROFESSION (Ontario College of Teachers)			TEACHER PERFORMANCE APPRAISAL (Ministry of Education)	
STANDARD OF PRACTICE	DESCRIPTION		DOMAIN	COMPETENCY
Professional Practice	Members apply professional knowledge and experience to promote student learning. They use appropriate pedagogy, assessment and evaluation, resources and technology in planning for and responding to the needs of individual students and learning communities. Members refine their professional practice through ongoing inquiry, dialogue and reflection.		Teaching Practice	<ul style="list-style-type: none"> • Teachers use their professional knowledge and understanding of pupils, curriculum, legislation, teaching practices, and classroom management strategies to promote the learning and achievement of their pupils.* • Teachers communicate effectively with pupils, parents, and colleagues.* • Teachers conduct ongoing assessment of pupils' progress, evaluate their achievement, and report results to pupils and their parents regularly.* • Teachers adapt and refine their teaching practices through continuous learning and reflection, using a variety of sources and resources. • Teachers use appropriate technology in their teaching practices and related professional responsibilities.

STANDARDS OF PRACTICE FOR THE TEACHING PROFESSION (Ontario College of Teachers)			TEACHER PERFORMANCE APPRAISAL (Ministry of Education)	
STANDARD OF PRACTICE	DESCRIPTION		DOMAIN	COMPETENCY
Leadership in Learning Communities	Members promote and participate in the creation of collaborative, safe and supportive learning communities. They recognize their shared responsibilities and their leadership roles in order to facilitate student success. Members maintain and uphold the principles of the ethical standards in these learning communities.		Leadership and Community	<ul style="list-style-type: none"> Teachers collaborate with other teachers and school colleagues to create and sustain learning communities in their classrooms and in their schools. Teachers work with professionals, parents, and members of the community to enhance pupil learning, pupil achievement, and school programs.
Ongoing Professional Learning	Members recognize that a commitment to ongoing professional learning is integral to effective practice and to student learning. Professional practice and self-directed learning are informed by experience, research, collaboration and knowledge.		Ongoing Professional Learning	<ul style="list-style-type: none"> Teachers engage in ongoing professional learning and apply it to improve their teaching practices

* These competencies are distinguished in the Teacher Performance Appraisal — Technical Requirements Manual — “The eight competencies... are those used for appraising the performance of new teachers. Principals must provide a comment for each of these eight competencies as a minimum requirement in the summative report for a new teacher.”^vThe Ministry of Education also calls for different applications of the TPA competencies for internationally educated teachers depending on their level of prior teaching experience outside of Ontario.^{vi} However, it is important to note the Standards apply to all members regardless of experience or where they were educated.

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- ⁱ Ministry of Education, Teacher Performance Appraisal - Technical Requirements Manual (2010 – Queen’s Printer for Ontario) at p. 5 and 6 — “Ontario’s TPA system has two components: one for “new” teachers and the other for “experienced” teachers. New teachers are defined in the legislation [*Education Act*] as all teachers certified by the Ontario College of Teachers (including teachers trained out-of-province) who have been hired into permanent positions — full-time or part-time — by a school board, school authority, or provincial school (“board”) to begin teaching for the first time in Ontario. Teachers are considered “new” until they successfully complete the NTIP [New Teacher Induction Program] or until 24 months have elapsed since the date on which they first began to teach for a board. All teachers who have completed the NTIP, or who held permanent positions in Ontario’s publicly funded schools prior to the NTIP’s implementation in September 2006, as well as temporary teachers (those teaching on a Letter of Permission), are appraised as “experienced” teachers. The TPA system does not apply to certified teachers employed outside the publicly funded education system or to instructors in teacher education institutions. Within boards, it does not apply to occasional teachers, continuing education teachers, vice-principals, principals, supervisory officers, or directors of education. Boards may develop a process for appraising the performance of any employees who are not covered by provincially mandated performance appraisal requirements.” [Also see O. Reg. 99/02 of the *Education Act* at sections 2 and 13]
- ⁱⁱ Ibid, Manual at p. 18.
- ⁱⁱⁱ Ibid at p. 20 and O. Reg. 99/02
- ^{iv} Professional knowledge of teachers can also encompass language competencies as set out in a Council for Ministers of Education (CMEC) report, “Speaking for Excellence: Language Competencies for Effective Teaching Practice”. The CMEC report sets out a framework for assessing language proficiency in three domains of practice: “instructing and assessing, managing the classroom and student behaviour, and communicating with parents and other professionals.” (CMEC and Human Resources and Skills Development Canada – 2013 at p. 3).
- ^v Supra note 1 at p. 20.
- ^{vi} Ibid at p. 19.