



Ontario
College of
Teachers

Ordre des
enseignantes et
des enseignants
de l'Ontario

February 28, 2011

The Honourable Jean Augustine, P.C.
Office of the Fairness Commissioner
595 Bay Street
Suite 1201
Toronto ON M7A 2B4

Dear Dr. Augustine,

Re: 2010 Review of the College's Fair Registration Practices

I am pleased to provide you with a copy of the College's review of its registration practices requested by the Ontario Fairness Commissioner as part of the reporting requirements for the 2010 registration year. As the College had already completed a thorough examination of its registration practices in March 2008, the 2010 review focuses on the following three areas:

1. Practical experience requirements
2. Efficient and timely decision making
3. Reasonableness of fees

The College's Fair Registration Practices Committee has come together over the last several months to inform the research, analysis, assessment and feedback regarding the College's registration practices in these three areas.

I look forward to the opportunity to discuss the College's commitment to fair registration practices and the recommendations contained in the report.

Sincerely,

Michael Salvatori, OCT
Registrar and Chief Executive Officer

Encl.

MS/CM/kb-ccs



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Ontario College of Teachers

2010 Review of the College's
Fair Registration Practices in
Three Key Areas:

1. Practical Experience Requirements
2. Efficient and Timely Decision Making
3. Reasonableness of Fees

**The Fair Registration Practices Committee
Ontario College of Teachers
February 28, 2011**

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2010 Review of the College's Fair Registration Practices in Three Key Areas:

1. Practical Experience Requirements
2. Efficient and Timely Decision Making
3. Reasonableness of Fees

Overview

In 2007, the College initiated a voluntary and comprehensive review of its registration practices following the introduction of the provincial government's *Fair Access to Regulated Professions Act* in December 2006. The review involved several months of consultation, data gathering, analysis and reflection, and culminated in the College report *The Fair Registration Practices Review*, released in March 2008.

The report captured the thoughts, concerns and ideas of newly certified teachers and recent applicants, community groups, government representatives, teacher federations, parents and students the College consulted. The results indicated that the College's practices are consistent with the expectations in Ontario's *Fair Access to Regulated Professions Act*. Recognizing that there is always room for improvement, the College listened to feedback from various individuals and groups, and made some significant changes in the College's certification processes.

As well, the review helped to inform the development of the College's Regulation 271/09, Fair Registration Practices, passed into law in August 2009. The regulation builds on the College's continuing commitment to fair, open and transparent registration practices. The College is the only self-regulating body in Ontario to have its own regulation affecting fairness in registration practices.

As part of the reporting requirements for the 2010 registration year, the Ontario Fairness Commissioner has asked that self regulatory bodies that, like the College, have already completed a thorough examination of their registration practices, undertake a review on a smaller scale. The topics for review are to include:

1. Practical Experience Requirements
2. Efficient and Timely Decision Making
3. Reasonableness of Fees

In response, the College formed an internal Fair Registration Practices Committee, consisting of representatives from the Corporate and Council Services Department (Policy and Research Unit, Communications Unit, and Information Technology Unit), the Membership Services Department (Records Unit, and Evaluation Services Unit), and the Office of the Registrar (the Finance Unit).

The Committee met several times to discuss the three review areas and to provide input, assessment, and feedback regarding the College's efforts in these areas.

Practical Experience Requirements

The Elimination of the One Year of Successful Teaching Experience Requirement for Teachers Educated Outside of Ontario

A Regulatory Milestone

In May 2010, the College's new teachers' qualifications regulation (Regulation 176/10) came into effect. The new regulation represents six years of the College's efforts to revamp both initial and additional teachers' qualifications, a crucial piece of the College's work as the regulator of the teaching profession.

The new regulation signifies a major shift in how the College certifies applicants. The College's registration practices are more streamlined, current, relevant and fair. It is a significant milestone in the College's history.

One of the most significant regulatory amendments is the elimination of the practical experience requirement. Previously, members who completed a teacher education program outside of Ontario were required to complete one year (194 days) of successful teaching experience in the province to achieve permanent certification with the College.

The Review Process

In 2004, the College undertook a comprehensive 18-month review of teachers' qualifications in Ontario (the Teachers' Qualifications Review or TQR). The review was organized into three sections, looking at initial teachers' qualifications, additional teachers' qualifications and specialized programs of teacher education. Significant consultations, outreach and validation activities with education sector stakeholders characterized all parts of the review.

The review activity culminated in a series of 66 recommendations approved by Council at its September 2006 meeting. These included approval for recommendations for regulatory changes, as well as retention of other existing regulatory requirements. The 66 recommendations were grouped and organized along a number of policy issues, such as:

- the content of the program of professional education in Ontario
- the length of the program
- the expected outcomes of the program
- acceptable academic and technological qualifications
- the purpose of additional qualifications
- the delivery of Additional Qualifications courses and programs
- refreshing the Schedules in the regulation, and
- prior learning assessment and recognition (PLAR).

In 2007, the College initiated a voluntary and comprehensive review of its registration practices following the introduction of the provincial government's *Fair Access to Regulated Professions Act* in December 2006. The review involved several months of consultation, data gathering,

analysis and reflection, and culminated in the College report *The Fair Registration Practices Review*, released in March 2008.

The report confirmed that the College practices were consistent with the *Fair Access to Regulated Professions Act*. The feedback received from participants in the review sessions and written submissions from stakeholders, community organizations, new College members and recent applicants supported this conclusion.

The feedback also highlighted areas within the College's registration practices where changes and modifications to practices and processes would better address the needs of applicants seeking certification from the College. One of the areas identified pertained to the 194 days of successful teaching experience condition for teachers educated outside of Ontario. As a result, the Registrar initiated a process to review the relevance of this successful teaching experience condition.

The results of this review indicated that the 194-day successful teaching experience condition for teachers educated outside of Ontario was not necessary and that the elimination of this requirement should be an additional recommendation going forward to the provincial government concerning the new teachers' qualifications regulation. This was formalized by the Council in September 2008 when it approved a number of recommendations for change to the regulation. The recommendations included the elimination of the successful teaching experience requirement as a condition of permanent certification for teachers educated outside of Ontario.

In November 2009, Council approved related recommendation changes to the College's certification schematic that would enable current College members holding an Interim Certificate of Qualification to be deemed to hold a permanent Certificate of Qualification and Registration. College members who had professional education conditions on their certification would still be required to fulfill these conditions, however the additional 194-day successful teaching experience condition would be removed.

Impact on the College's Registration Practices

Prior to May 2010, applicants who completed their teacher education programs outside of Ontario but who satisfied the College's registration requirements were granted an Interim Certificate of Qualification rather than a permanent Certificate of Qualification and Registration. Their registration requirements included submitting proof of:

- language proficiency
- an acceptable post-secondary degree
- an acceptable program of professional education including course work in methodology and the foundations of education, and a practicum.

The interim certificate was a temporary licence was valid for up to six years and enabled members to teach in the publicly funded school system. During the six-year period, interim certificate holders were required to fulfill an additional condition of 194 days of successful teaching experience in order to obtain a permanent certificate.

The practical experience requirement was intended to ensure that interim certificate holders gained knowledge about teaching in the Ontario education environment before being granted permanent certificates.

However, through the College's TQR research and consultations, it became apparent that the 194 days of successful teaching experience was: difficult to achieve, no longer deemed to be an important requirement, and an unnecessary barrier to full certification.

It should also be noted that as of December 2009 and the enactment of the OLMA, those applicants who were certified in another Canadian province or territory would no longer be required to fulfill the 194 days of successful teaching condition.

Support for Change

During the College's consultations, the education community expressed support for the removal of the 194 days of successful teaching requirement for teachers educated outside of Ontario as it was viewed as a barrier to permanent certification. Other reasons for removing this practical experience requirement included an interest in:

- levelling the playing field with Ontario graduates who were not required to complete a year of successful teaching before receiving permanent certification
- simplifying the certification process and allowing internationally educated teachers to obtain permanent certification more quickly
- aligning the College's requirements with the *Ontario Labour Mobility Act (OLMA)*, passed in December 2009, that requires the College to certify applicants certified by other Canadian provinces or territories without conditions for additional practical experience
- eliminating a requirement that was no longer relevant following the introduction of the New Teacher Induction Program by the Ontario government.

One Certificate of Qualification and Registration

Under the new regulation, the Registrar has the authority to issue all applicants meeting the College's certification requirements a permanent Certificate of Qualification and Registration. Despite the removal of the successful teaching experience condition, the Registrar may impose other professional education conditions on a certificate except for Canadian labour mobility applicants.

For example, in Ontario there is a requirement that teachers be qualified to teach in two consecutive divisions (Primary/Junior, Junior/Intermediate, or Intermediate/Senior) in elementary and/or secondary school. The Registrar may require applicants to complete additional coursework in order to become qualified to teach in two consecutive divisions.

A Certificate of Qualification and Registration with professional conditions is valid for three years from the issuance date of the certificate. The certificate holder is required to complete any condition(s) within the three years, with two one-year extensions possible. When the Registrar has evidence the certificate holder has met the condition(s) the condition is removed from the certificate.

Additional Resources for Applicants Educated Outside of Ontario

In November 2009, Council approved a recommendation that all applicants submit an acknowledgement that they have knowledge of matters applicable to the practice of teaching in Ontario.

It was agreed that the acknowledgement would be in the form of an attestation and, for ease of access, would be part of the online application process. As well, it was agreed that the College would develop resource materials about the practice of teaching in Ontario to support applicants educated outside of Ontario. These resources are located on the College's web site and include information about the duties and responsibilities of:

- the Minister of Education
- the Ontario College of Teachers
- school boards
- school board supervisory officers
- principals
- teachers
- parents, and
- students.

Consultations were undertaken pertaining to the development of a course guideline for a new additional qualification course, Orientation to Teaching in Ontario, for members who wish to supplement their independent learning with coursework. Completion of the guideline is expected at the beginning of April, 2011. This additional qualification course has been added to Schedule C of the Regulation 176/10, Teachers' Qualifications. When a member completes the new additional qualification course, it will be reflected on the member's Certificate of Qualification and Registration.

Comments from the College's Fair Registration Practices Committee

The Committee consulted with the Registrar, External Relations staff and staff from Client Services about the College member and applicant response to the removal of the successful teaching experience condition for permanent certification. The College has received overwhelmingly positive feedback regarding this change from internationally educated members and the various organizations that support new immigrants and internationally educated professionals. There is consensus that the removal of the requirement enables the College to maintain its high standards while ensuring equitable certification processes for members, regardless of where they are from.

In May 2010, the College converted 16, 274 Interim Certificates of Qualification to permanent Certificates of Qualification and Registration following the filing of the College's new teachers' qualifications regulation. While other professional education requirements that must be completed within three years may still be a condition of certification, the 194-day successful teaching experience condition was removed.

Efficient and Timely Decision Making

Legislative Background

In 2007, the College initiated a voluntary and comprehensive review of its registration practices following the introduction of the provincial government's *Fair Access to Regulated Professions Act* in December 2006. The review involved several months of consultation, data gathering, analysis and reflection and culminated in the College report *The Fair Registration Practices Review*, released in March 2008.

The review also helped to inform the College's development of its Regulation 271/09, Fair Registration Practices, enacted in August 2009. The College is the only self-regulating body in Ontario to have its own regulation setting out requirements for fairness in registration practices.

The College's Fair Registration Practices regulation builds on the College's continuing commitment to fair, open and transparent registration practices. It requires that the College provide applicants information about:

- certification requirements and the documentation that is required of applicants
- "alternative means" to meet requirements
- acceptable alternative evidence that an applicant could provide in the event they cannot obtain the documents that are normally required for registration
- all application and registration fees.

The regulation also indicates that the College will make its best efforts to make an application decision within 120 days after receiving all required documents.

Review Process

The College's Fair Registration Practices Committee met several times over the last year to review the efficiency and timelines involved in the College's decision making processes pertaining to registration practices.

The Committee reviewed the College's track record in rendering timely registration decisions (that is, within 120 days) and noted that the College's operations and systems are designed to adhere to the timelines prescribed in its regulation.

The committee was also able to identify some of the challenges that in a small percentage of the cases make it difficult to meet the timelines outlined in the regulation, despite the College's best efforts. This is largely due to the College's goal to balance timely and efficient decision-making with fairness, impartiality and transparency. The College works regularly with applicants to obtain as much information as possible before making a certification decision and this can lead to delays.

The Committee focused on decision making as it relates to the registration process in three general areas:

1. the registration of graduates of teacher education programs in Ontario
2. the evaluation and registration of graduates of teacher education programs outside of Ontario¹
3. the registration appeals process.

The Registration of Graduates Teacher Education Programs in Ontario

For the past six years, graduates of teacher education programs in Ontario focused on general education have applied to the College electronically through an online application system. Applicants can log onto the system 24 hours a day, seven days a week and open an application to the College. Once they have submitted their information, the system sends them a confirmation e-mail. As well, applicants can view the progress of their application online, and view a complete list of all the documents that have been received by the College and a list of those that are still outstanding.

In November 2010, the online application system was enhanced to include applicants who have completed specialized programs of professional education in Ontario such as teachers of technological education and teachers of Native as a second language. Now all applicants who have completed a teacher education program in Ontario can apply to the College online.

The online application system enables a self-serve capability where information is made available to applicants almost immediately. Applicants who have completed a teacher education program in Ontario at an institution accredited by the College generally complete the registration process within 10 to 15 days, providing they have submitted all required documents.

In 2010, the College received almost 13,000 applications, approximately 9,500 of which were from Ontario applicants.

The Evaluation and Registration of Graduates of Teacher Education Programs Outside of Ontario

On November 1, 2010, the College enhanced its online application system to enable applicants from around the world to use the same convenient online system that graduates of Ontario teacher education programs are able to use.

Now, regardless of where applicants complete their teacher education programs, they can complete and submit their applications to become an Ontario Certified Teacher online. Furthermore, applicants can begin the application process to the College even before arriving in Ontario.

One of the greatest benefits of the online application is that applicants can view the progress of their application at any time. Online applicants receive an acknowledgement from the College via e-mail that their application has been received. Applicants can also view a complete list of all the documents that have been received by the College and a list of those that are still outstanding.

¹ There is no evaluation of applicants certified in another Canadian jurisdiction. An administrative review is undertaken.

Applicants who have completed a teacher education program outside Ontario are generally advised within 120 days after the submission of all required documents of whether they meet registration requirements.

Evaluation Process

Once an application is complete for graduates of teacher education programs outside Ontario, meaning the application contains all of the required application documents, it is sent to the Evaluation Services Unit for a credential assessment. The application is reviewed for evidence that the applicant meets the academic, professional and language proficiency requirements for certification by the College.

For applicants who are certified in a Canadian province or territory, the Evaluation Services Unit conducts an administrative review to determine the qualifications to be included on their Certificates of Qualification and Registration.

In accordance with the College's *Fair Registration Practices* regulation, the College makes its best efforts to complete an individualized evaluation of an applicant's credentials within 120 days from when all required documents are received by the College. The College is able to achieve this goal in most cases and many credential assessments are completed in a much shorter period, generally taking between four to six weeks.

Once the evaluation and credential assessment is complete, the College will notify the applicant about one of the two possible outcomes:

1. The applicant is eligible for certification – If eligible, the College registers the applicant as a member of the profession and once they have paid the annual membership fee, issues a Certificate of Qualification and Registration. The certificate enables the member to teach in Ontario's publicly funded elementary or secondary schools.

The new member is added to the College's public register along with information about their academic and professional qualifications, conditions (if any) and the professional designation (OCT in English or EAO in French) which signifies the member as an Ontario Certified Teacher. Their degree will be recorded as listed on the transcript the College received from the issuing postsecondary institution.

2. The application has not been accepted – The College writes to the applicant and indicates that it is not possible to certify them and why. The letter includes information about the registration requirements that must be fulfilled and offers a number of resources to help clarify these requirements. The applicant has two years to complete the requirements indicated.

Applicants are informed that they may ask for a meeting in person or by phone to discuss their evaluation and to find out how they can meet the requirements. They are also provided with information about the steps to take should the applicant wish to appeal the Registrar's decision.

Factors That Can Affect the Evaluation Timelines

Through the review process, the College's Fair Registration Practices Committee identified factors that can contribute to circumstances where it is not possible to achieve the 120 day guideline set out in regulation. These factors include:

1. **Additional Information** – Once the evaluation period has begun, there are circumstances in which the College requires additional information, the College writes to the applicant seeking clarification or to the postsecondary institution that granted credentials to the applicant.
2. **Lack of Detailed Documentation** – Delays may result when a jurisdiction or professional program does not produce sufficiently detailed transcripts and certificates that clearly and plainly explain the structure and methodology of professional programs. As a result, it may be necessary to contact the institution, the official source, for additional information.
3. **Little Available Information** – Delays may be experienced if there is little reliable or up-to-date information available for an academic or professional program, or for an academic institution.

While the College maintains a library of resources for over 120 different jurisdictions and relies on electronic resources such as the Canadian Information Centre for International Credentials and the International Association of Universities, additional research may be required when new professional programs or institutions are established. This is to ensure that the College's credential assessment is fair, accurate and complete. The same challenges may be experienced for credentials obtained several years ago where information may be significantly out of date.

4. **Level of Social/Political Stability** – Delays are inherent when dealing with an institution from a region experiencing upheaval/change or local instability caused by war, natural disaster and so on. Complexities may be caused by changes in jurisdictional boundaries or by changes to the institutions (name, accreditation status and so on).
5. **Legislative and Policy Changes** – Delays may occur when a new regulatory requirement or policy is anticipated but has yet to become official practice. In some cases, as long as the delay is not lengthy, the College's Evaluation Services Unit may delay assessing an applicant's file if a pending change will benefit the applicant. For example, some evaluations were delayed immediately prior to the College's change in policy to accept up to 60 per cent of course work completed through distance education. Prior to this change in practice, the College did not accept coursework completed through distance education.
6. **Evaluation Process** – In general, applications that may result in denial require more scrutiny and quality assurance to ensure that all the required information is available and has been considered, that all possibilities for certification have been explored, and that denial is the appropriate certification outcome.

Through the review process, the College's Fair Registration Practices Committee identified College processes that have contributed to more timely decision making. Since the College's voluntary registration practices review in 2007 and with the filing of the College's Fair Registration Practices Regulation in August 2009, the Membership Services Department has made several enhancements to its review practices as part of its commitment to continuous improvement in service levels. For example:

1. On the web site, the College provides country specific information for out-of-province and out-of-country applicants. This includes possible alternative documents that are accepted by the College for certification purposes. The Membership Records Unit has expanded the amount of this type of information available for review on the College's web site and continues to provide current information as circumstances change in countries throughout the world. For example:
 - In Algeria, a teaching certificate is not issued so the College will accept a photocopy of an applicant's teacher education diploma.
 - In Bangladesh, Statements of Professional Standing are not issued so the College will accept a current letter of reference from the head of the last school where an applicant has taught, stating that the applicant was never suspended for any discipline reason.
 - In Pakistan, academic records are issued as mark sheets or mark cards. The College accepts mark sheets or cards for each degree listed on the application form, and for each year or term of an applicant's teacher education program. Alternatively, an applicant may provide a degree scroll for every program on the application.

In addition, a limited number of internationally-educated applicants for registration with the College may be unable to provide original documents in the required form. The inability to provide documents in this form may arise:

- because the third-party granting institutions may be unable to provide documents directly to the College on the applicants' behalf because of war, strife, political or other conditions in the country, or
- because the applicants themselves fear repercussions if they request the documents.

In September 2008, the College updated its protocol under which the Registrar can evaluate the limited number of out-of-country applicants who, because of exceptional circumstances beyond their control, are unable to provide required original documentation in support of their applications for registration with the College.

Furthermore, in countries where there is political unrest, the College will intervene on an applicant's behalf to assist in having acceptable documentation provided to the College to prove academic achievement or professional certification if at all possible.

2. In an effort to explore all possibilities for certification before a denial is issued, the Evaluation Services Unit uses an Evaluation Unit Review Team (EURT) process. This process involves meetings to review applicant files with the participation of evaluators who did not conduct the original credential assessment. The meetings are conducted to

ensure that the credential assessment was completed properly and to determine if there are any other options open to the Registrar to certify the individual.

Since 2008, the Evaluation Services Unit has altered its administrative processes to enhance the productivity of the EURT process, by scheduling daily Evaluation Unit Review Team (EURT) meetings to review files that will be recommended to the Registrar for denial

3. Over the last year, the Membership Services Department as a whole (the Evaluation Services Unit, the Records Unit and the Client Services Unit) undertook a department-wide review to determine where efficiencies could be achieved. As a result, some of the activities and responsibilities within the department were reorganized, enabling the Evaluation Services Unit to focus increasingly on its credential assessment work and less on administrative tasks. For example, the verification of members' Principal's Qualification postgraduate credits and the verification of some degree programs for Ontario graduates are now the responsibility of the Records Unit.
4. As a result of the Membership Services Department review, the Evaluation Services Unit has reorganized and enhanced its administrative practices and accountability strategies to enable a greater focus on its credential assessment activities and timelines. For example, the Evaluation Services Unit:
 - has integrated new technological tools and processes to minimize staff time dedicated to manual data entry
 - has reorganized its staffing complement to hire an additional Senior Evaluator

The Registration Appeals Process

The College's Registration Appeals Committee is a statutory committee established under the *Ontario College of Teachers Act*. The purpose of the committee is to consider appeals from applicants regarding membership denials or from members regarding the conditions imposed on Certificates of Qualification and Registration. The committee may deny applications or direct the Registrar to issue a Certificate of Qualification and Registration with or without conditions.

There are five Council members on the committee. Three of these committee members are Council members who are members of the profession and are elected to the College's Council. Two members of the committee are Council members appointed to Council by the government.

In order to ensure that no one who acted as a decision-maker in a registration decision acts as a decision-maker in the registration appeal process, the College has independent processes that separate registration decisions and the subsequent reviews of these decisions by the Registration Appeals Committee.

The College's Evaluation Services Unit conducts credential assessments and makes registration recommendations to the Registrar. The Registrar makes a certification decision based on that best advice.

Reviews by the Registration Appeals Committee are administered by the Deputy Registrar and the Policy and Research Unit. The members of the Registration Appeals Committee are elected and appointed Council members who play no role in the administration of an applicant's credential assessment when the decision is made by the Registrar.

On an annual basis, the Committee reviews statistics related to the timeliness of decisions and other key performance indicators relating to the appeal process.

Communication with Appellants

When applicants are denied certification, they receive a letter from the Registrar that contains a credential assessment report, information about how to request a review by the Registration Appeals Committee, and details about where to obtain further information about this process. Additional information regarding the appeal process is also provided in *The Credential Assessment Process*, a booklet that is sent to the applicant along with the Registrar's letter.

The College's web site provides general plain language information describing how an applicant can request a review by the Registration Appeals Committee, and includes an appeal request form. The web site includes information about how to request an oral presentation or a hearing, and provides links to detailed rules of procedure and administrative guidelines for such presentations.

In an effort to support a timely and fair decision making process, the Registration Appeals Committee frequently reviews its communications to appellants to ensure they are clear and informative. For example, in 2010 the Committee reviewed and provided feedback for revisions to its *Administrative Guidelines for Oral Presentations* and to its *Rules of Procedure for Hearings*. The Committee also approved amendments to the *Protocol for Withdrawal of Registration Appeals*.

Registration Appeals Timelines

Upon receipt of their letter from the Registrar indicating that their application for certification has been denied, an appellant has 60 days to submit a Request for Review by the Registration Appeals Committee form along with a \$99 registration appeal fee.

Within 15 days of receiving a request for a review by the committee, the College provides the appellant with copies of all the documents the Registration Appeals Committee intends to review in making its decision.

The appellant then has 45 days to comment on these materials or provide any additional documentation to the committee. Although the committee's review is normally conducted by reviewing documents only, appellants may request to make a presentation to the committee in addition to submitting written materials.

The Registration Appeals Committee receives its materials 10 days in advance of a meeting.

When the committee has completed its registration appeal review and once a decision has been reached, a written decision with reasons is provided to the appellant within 10 days.

The College makes its best efforts in each case to ensure that a review by the Registration Appeals Committee and release of the committee's decision takes place within 120 days of the receipt of the request for a review. This timeline is outlined in the College's *Fair Registration Practices Regulation* and in the College's Act.

Registration Appeals Committee meetings are scheduled monthly to ensure the prompt review of appeals. The Committee and the College staff that support its work are committed to ensuring that appeal processes are impartial, fair and easily understood.

Factors That Can Affect the Process

Through the review process, the College's Fair Registration Practices Committee identified factors that can contribute to circumstances where it is not possible to achieve the 120 day guideline set out in regulation, such as:

1. Requests for extensions by the appellants – When requested, the committee may grant an extension to an appellant. For example, the appellant may be having difficulty obtaining additional academic transcripts from a postsecondary institution and may require additional time. Occasionally, the committee will grant a second extension in rare, extenuating circumstances.

In cases where an appellant indicates that they are having difficulty obtaining documentation, the College will intervene and contact the institution on the appellant's behalf.

2. Changes in regulation or legislation – Occasionally the committee will delay its appeal decision if a change in regulation or legislation is anticipated and the change may have a positive impact on the appellant's case. For example, a case was delayed pending the enactment of the OLMA as the appellant was appealing a condition on their certificate to fulfil additional coursework. Under OLMA, it is no longer possible to impose such a condition.
3. Despite receiving all the pertinent documents that are part of the review process, committee members may believe that they would benefit from additional information or explanation. For example, committee members may extend the timelines for their decision making to request that an appellant provide them with more detail about their academic or professional program to ensure they have complete information before making a fully informed, fair, impartial and transparent decision.

Reasonableness of Fees

Key Objectives

In September 1997, the year the College was formed, the College Council approved the key objectives for managing the financial affairs of the College:

Services will be appropriately funded:

- To meet legislative requirements – The *Ontario College of Teachers Act* establishes the responsibilities and obligations of the College. The financial plans of the College will provide adequate resources in this regard.
- To provide good customer service – College members deserve a high standard of service from their professional body. Applicants to the profession should also be impressed with excellent service. In establishing financial plans, excellence in customer service will be observed as a primary principle.
- With adherence to principles of economy, efficiency and effectiveness – The College’s financial plans will be built on policy and procedures, which will ensure that the College is employing the best methods to achieve economy, efficiency and effectiveness in its operation.

Fees will be set at reasonable levels.

- Member fee minimized – The annual member fee will be kept to the lowest possible level consistent with the other financial objectives.
- Reasonable fees will be set for special services – For services beyond the standard annual certificates and statutory publications, a fee will be set for the services provided. Fees will be based on full cost recovery and/or comparisons to fees charged by others for similar services.

Financial resources will be accumulated to ensure stability and independence

- Although created by an Act of the Ontario Legislature, the College is an autonomous body corporate without share capital. In financial terms, this requires the accumulation of financial resources of a sufficient size and without reliance on borrowing so that the College will have the capacity to:
 - respond to unexpected risks
 - take advantage of opportunities
 - stabilize annual membership fees.

Review Process

The College’s Fair Registration Practices Committee met several times over the last year to review the reasonableness of the fees charged by the College. The major portion of the analysis was conducted by the College’s Controller.

The College charges fees for member and applicant services including:

- annual membership fee
- application fee
- evaluation fee
- registration appeals fee
- reinstatement fee.

The Committee observed that in keeping with the College's budget principles, the fees have been maintained at affordable levels. However, the committee determined that in relation to the applicant fees collected by the College, the fees are considerably lower than a cost recovery level.

Legislation and Communication

The basis for the College's ability to set and collect fees is found in its enabling legislation, the *Ontario College of Teachers Act*.

Section 41. (1) of the Act indicates that the Council may establish bylaws "relating to the administrative and domestic affairs of the College including but not limited to bylaws, ...

23. prescribing annual membership fees and other fees payable by members, applicants for membership and other persons for anything the Registrar or any committee, other than the Public Interest Committee, is required or authorized to do under this Act;
24. prescribing penalties to be paid by members for the late payment of any fee;
25. prescribing any fee referred to in this Act as prescribed by the by-laws; ..."

The College's bylaws outline the various amounts for each of the fees collected by the College. However, pursuant to section 12(7) of the *Fair Access to Regulated Professions Act*, College fees may be waived if it is considered fair and equitable to do so. This might include a situation where the imposition of such fees would impose a financial hardship on an individual.

In terms of transparency, the College makes information about fees available in print, on its web site, through information sessions provided at universities and other interested organizations, and in presentations for applicants held at the College.

The College's registration guides are available on the College's web site. The guides contain information about the fees required of applicants.

College Budget Process

College fees are reviewed annually as part of the College's budget process and are approved by the Council.

In 2010, the College revised its budget process for the 2011 budget year to more closely align with the legislated objects of the College as described in the *Ontario College of Teachers Act*. The new process allows for first developing a base budget that reflects those objects that must be attended to by mandate. Once these mandated objects are properly budgeted and funded, the College can look to fund strategic initiatives that will further support the fulfilment of its mandate.

The major steps in the budget development and approval process are as follows:

1. The Council and committees provide ongoing policy direction to the Registrar.

2. College management develops unit and departmental budgets for Base Budget (Spring).
3. College management develops strategic project proposals outside of the Base Budget (Spring).
4. Preliminary Base Budget and strategic projects are reviewed by the Finance Committee (Spring).
5. The College conducts a Council member pre-budget briefing (Council briefing session in advance of the June Council meeting).
6. The Chair of the Finance Committee collects feedback from the pre-budget briefing, consults with the Finance Committee and directs staff to revise budget documents if necessary (Summer).
7. Base Budget and strategic initiatives documents are presented to Council members in informal budget briefing sessions prior to the December Council meeting (Summer and Fall).
8. The Chair of the Finance Committee collects further feedback from the Council budget briefing sessions, consults with the Finance Committee and directs staff to revise budget documents if necessary (Fall).
9. Council approves budget for the next year (December Council meeting).

Fee Review

1. Annual Membership Fee

Section 21.04 of the College bylaws sets the membership fee at \$120. Applicants that are admitted to the profession from any jurisdiction in the world, including Ontario, pay the same \$120 annual membership fee.

21.01 The annual fee shall be:

- (a) \$120 for 2009
- (b) \$120 for subsequent years or as may be amended from time to time, by the amendment of these bylaws.

Applicants to the College cannot become a member of the teaching profession in Ontario until their membership fee is paid. They must continue to pay the fee on an annual basis to remain in good standing.

Since the formation of the College in 1997, the work of the College has increased significantly. Additional legislative, regulatory and bylaw requirements have resulted in increased reporting practices, program reviews and expanded workloads in every department.

Council has approved three increases and one decrease in the membership fee since the formation of the College in 1997. The fee changed:

- from \$90 to \$104 for 2002
- to \$139 for 2003
- to \$104 for 2005
- to \$120 for 2009.

In keeping with the original budget principles, the annual membership fee is kept at the lowest possible level to maintain adequate operating levels to fulfil the College's responsibilities and to have sufficient reserves in the event of unexpected financial pressures. In 2010, annual membership fees accounted for 90 percent of the College's revenues.

The College's annual membership fee is the lowest of all self-regulated professions in Ontario. Maintaining the annual membership fee at a reasonable level is of great benefit to applicants wishing to obtain their certification, including internationally educated teachers and recent graduates who may be seeking employment, who may have school loans or who may not be well established in Ontario. As well, the College allows new members who are certified in November or December to pay their membership fee but to have it apply to the following year.

2. Application Fee

Section 22.02 of the College bylaws sets the application fee at \$140. All applicants, regardless of their country of origin, are required to pay the same amount.

22.02 A person who submits an application for a certificate of registration shall pay, for the consideration by the Registrar of the application under section 18 of the Act², an application fee of \$140.

Applicants who have completed or who are enrolled in a teacher education program in Ontario submit both the \$140 application fee and the \$120 membership fee for a total of \$260 when they apply.

Applicants who are certified in a Canadian province or territory other than Ontario submit the \$140 application fee. The College does not collect the membership fee until after these applicants are eligible to be certified in Ontario.

Applicants who complete a teacher education program outside of Ontario and who are not certified elsewhere in Canada submit the \$140 application fee and the evaluation fee (details below). The College does not collect the membership fee until the applications are evaluated and the applicants meet the College's certification requirements.

² Section 18. (1) of the OCTA indicates: "The Registrar shall issue a certificate of qualification and registration to a person who applies for it in accordance with the regulations and who fulfils the requirements specified in the regulations for the issuance of the certificate."

When the College was first formed in 1997, the application fee was set at \$25. Since then, Council has approved three subsequent increases to the application fee:

- increased from \$25 to \$80 for 2003
- increased to \$123 for 2005
- increased to \$140 for 2009.

Regardless of when Council reaches a decision to amend the application or any other fee, the increase does not go into effect until the following year to allow sufficient notice time for individuals planning to interact with the College so that they may submit their fee at the lower level.

Given the amount of staff time, overhead costs and other resources associated with this activity, it is apparent that the current fee is not collected at the cost recovery level. This is demonstrated through the analysis performed by the College Controller and contained in Attachment 1. While the application fee has increased from \$25 to \$140 since 1997, it is apparent that the actual full year cost for the administration of this fee for 2010 is \$615, over four times the amount that is actually charged by the College.

3. Evaluation Fee

The College employs several highly qualified credential assessors who work in the Evaluation Services Unit. These staff members:

- evaluate qualifications of applicants for College membership
- determine whether international qualifications and credentials meet the Ontario requirements for academic, professional and language proficiency standards
- evaluate Additional Qualification requirements and equivalencies.

For this service, the College has established an evaluation fee of \$222. Applicants who complete a teacher education program outside Canada are required to pay the fee for an individualized credential assessment. Under the provisions of the *Ontario Labour Mobility Act*, Canadian applicants who are certified to teach in another province outside of Ontario are provided an administrative review to determine the qualifications to be added to their certificate. However, under OLMA it is now not possible to charge a fee for this service.

Since the College's inception, the evaluation fee for internationally educated applicants has never increased and, in fact, was decreased from \$225 to \$222 in June 2006 to reflect changes in the federal GST calculations. However, the fee for teachers educated in Canada but outside of Ontario has undergone some revisions since the College's formation in 1997:

- In 1997 the evaluation fee for teachers educated outside of Ontario but within Canada was set at \$125.
- This fee was increased to \$225 in August of 2001 when Council acknowledged that there was little difference in the workload required for an evaluation of documents for an out-of-country applicant versus a Canadian applicants educated outside of Ontario.

- The fee was then reduced to \$222 in June 2006 to reflect changes in the federal GST calculations.
- Finally, with the implementation of the *OLMA* in December 2009, the evaluation fee was eliminated for all applicants certified in another Canadian jurisdiction to eliminate potential barriers to mobility between the provinces.

Initially, the evaluation fee was established on a cost recovery basis, taking into account salary expenses and overhead costs. The fee has remained constant over the last 14 years and has not reflected increases in inflation, cost of living, salary expense and so on. By maintaining the fee at a reasonable level the College is recognizing that the internationally educated teachers who are subject to the fee may not have the resources to incur larger expenses. It is likely that they are seeking employment in the education field and may not be established financially in Ontario.

Given the amount of staff time, overhead costs and other resources associated with this activity, the current evaluation fee is not collected at the cost recovery level. This is demonstrated through the analysis performed by the College Controller as outlined in Attachment 1. While the evaluation fee has almost always remained consistent at \$222, the calculations by the College Controller demonstrates that the actual cost for this activity is significantly higher, at about \$1,600 for full cost year in 2010. That is over seven times the amount that is actually charged by the College.

4. Registration Appeals Fee

The Registration Appeals Committee hears appeals from applicants who have not been granted membership in the College or members who have had conditions placed on their teaching certificate. The Committee is an objective and impartial body that provides further assurance that the College's registration processes are transparent and fair.

Appellants must complete a Request for Review by the Registration Appeals Committee form and submit it to the College along with a \$99 registration appeal fee. The College sends the appellants copies of all of the materials that the committee will review when it considers the appeals. This is required in section 22(5)³ of the Act. There are no additional fees for the provision of documents to the appellants.

Section 23.05 of the College bylaws establishes the \$99 fee for the registration appeal process outlined above. All appellants, regardless of their country of origin, are required to pay the same amount.

³ 22 (5) The Registration Appeals Committee shall ensure that the applicant is given an opportunity to examine and make written submissions on any documents that the Committee intends to consider in making its decision on the application.

23.05 A person who requests a review by the Registration Appeals Committee in accordance with section 20(4)⁴ or 22(2)⁵ of the Act shall pay a registration review fee of \$99.

In 1997, the College began with an appeal fee of \$100. This amount was lowered to \$99 in June 2006 to reflect changes in the federal GST calculations. This is a College subsidized fee as it is well below the cost recovery threshold.

The fee has been maintained at this level to ensure that it is reasonable, recognizing that the majority of the appellants are internationally educated teachers who may have limited financial resources. This is balanced with the need to maintain the fee at a level that is sufficient to discourage unwarranted appeals at great expense to the College.

The Registrar always has the ability to waive the fee if it would impose a financial hardship on an individual (in accordance with section 12(7) of the *Fair Access to Regulated Professions Act*. At the same time, the Registration Appeals Committee may refuse to “conduct a review if, in its opinion, the request for review is frivolous, vexatious or an abuse of process.” (Section 21 (2) of the Act)

Again, given the amount of staff time, overhead costs and other resources associated with this activity, the current registration appeal fee is not collected at the cost recovery level and it is by far the least cost representative of the fees reviewed here. This is demonstrated through the analysis performed by the College Controller as outlined in Attachment 1. While the \$99 fee is what is currently charged by the College, this is only a fraction of the actual \$41,027 full year cost for 2010.

5. Reinstatement Fee

If the College does not receive payment of a member’s annual membership fee by April 15, the member is suspended for non-payment of fees (membership fees are due on January 1). Suspended members are not eligible to teach in publicly funded schools. To be reinstated, the member is required to pay a fee.

⁴ Request for review

20 (4) The request for review must be,

- (a) in writing;
- (b) served on the Registrar within 60 days after the notice under subsection (1) is served on the applicant; and
- (c) accompanied by the fee prescribed by the by-laws for the purpose.

⁵ 22 (1) A member may apply to the Registration Appeals Committee for an order directing the Registrar to remove or modify any term, condition or limitation imposed by the Registrar or the Registration Appeals Committee on the member’s certificate of qualification and registration.

(2) The application must be,

- (a) in writing; and
- (b) accompanied by the fee prescribed for the purpose by the by-laws.

As well, each year a number of members choose to return to good standing status after a few months or even a few years of inactive status. Many of these members are retired teachers who wish to be reinstated so that they can be employed as supply teachers.

Section 23.03 of the College bylaws establishes the reinstatement fee at \$130.

23.03 A person whose certification of registration was suspended shall pay, for the removal of the suspension, a reinstatement fee of \$130.

The reinstatement fee has been revised three times over the past several years:

- In 1997, the fee was set at \$100 based partially on a cost recovery basis and partially to provide members with an incentive to maintain their membership.
- In September 2002, the reinstatement fee was reduced to \$80 for 2003 and subsequent years. At the time, Council was hopeful that a lower fee would encourage more retired teachers to reinstate to offset the shortage of supply teachers occurring at that time.
- In June 2006, the fee was reduced slightly to \$79 for the 2007 year to reflect changes in the federal GST calculations.
- Then in September 2008, Council made the decision to increase the reinstatement fee to \$130 for 2009 and subsequent years as there was a return to the idea that this fee should recover the costs of providing the service and make a fiscal contribution to the College's budget.

Given the amount of staff time, overhead costs and other resources associated with this activity, the current reinstatement fee is not collected at the cost recovery level. This is demonstrated through the analysis performed by the College Controller as outlined in Attachment 1. While the reinstatement fee was increased to \$130 in 2009, the actual full-year cost for the administration of this fee for 2010 is \$492 – almost four times the amount that is actually charged by the College.

Attachment 1

Analysis

This analysis provides a calculation of the true cost of various fees that the College charges for the services it provides.

In Table 1 (below) the number of staff and the percentage of their work attributed to a process related to a College fee were calculated by surveying staff in the Membership Services Department and in the Policy and Research Unit.

The analysis shows all of the different job classifications in the department as well as how many individuals occupy each classification. The main body of the table then shows what percentage of time, by occupation, is spent on each of the College fees.

The percentages and number of staff involved were then multiplied by the actual salaries for each position on the chart. For the purposes of confidentiality, the salary amounts are not included in the charts below.

Table 2 (below) shows the number of fees collected during the year. These numbers are from the College's general ledger and represent the number of fees, not the dollar amounts.

In Table 3 (below) the salary amounts are divided by the 2010 fee counts from Table 2 so that the direct salaries cost per fee can be derived.

In Table 4 (below) the College's overhead amounts are divided by the 2010 fee counts from Table 2 so that the indirect overhead cost per fee can be derived. The highest overhead costs are office space and computer costs. Overheads are allocated on a salary dollar basis which means that a person with a higher salary will attract a pro rata higher share of overhead. This was felt to be the most equitable allocation method as it reflects observed cost behaviours at the College.

Table 5 (below) provides the total cost per fee, adding together the salary costs and the overhead costs. The results show that in all cases, the cost of each fee is more than the fee actually charged by the College, often by a considerable amount.

Table 1: Number of Staff and Percentage of Time Involved in College Fee Process in 2010

College Staff Involved (Directly or Indirectly) in Fee Process	# of Staff Involved	% of Time Involved in Application Fee Process	% of Time Involved in Evaluation Fee Process	% of Time Involved in Registration Appeals Fee Process	% of Time Involved in Reinstatement Fee Process
Director of Membership Services	1	40	30	20	1
Executive Assistant	1	70	10	15	
Manager of Client Services	1	35	10	5	15
Manager of Evaluation Services	1		78	5	
Manager of Membership Records	1	79		2	
Receptionist	1	10	10	1	5
Client Services Researcher	3	30	20	5	15
Administrative Assistant	3	70			
Client Services Officer	3	35	15	5	15
Correspondence Assistant	2	30	20	5	15
Evaluation Assistant	4		80		
Membership Records Officer	3	76		2	2
Membership Records Researcher	3	71		2	5
Senior Evaluator	2		80	8	
Evaluator	5		85	5	
Client Services Assistant	8	30	20	5	15
Membership Records Assistant	16	71		2	5
Policy and Research Manager	1			15	
Policy Analyst	1			30	
Policy and Research Assistant	1			55	

Table 2: Number of Fees Collected in 2010

Application Fee	Evaluation Fee	Registration Appeals Fee	Reinstatement Fee
12,130	2,901	19	2,128

Table 3: Total Cost per Fee – Staff Salaries (\$) in 2010

Application Fee	Evaluation Fee	Registration Appeals Fee	Reinstatement Fee
155	413	10,320	124

Table 4: Total Cost per Fee – Overhead (\$) in 2010

Application Fee	Evaluation Fee	Registration Appeals Fee	Reinstatement Fee
460	1,228	29,707	368

Table 5 – Total Cost per Fee, Staff Salaries and Overhead (\$) in 2010

Application Fee	Evaluation Fee	Registration Appeals Fee	Reinstatement Fee
615	1,641	41,027	492

Next Steps

The College continues to review its registration policies and practices to ensure they are consistent with the expectations of both the province's *Fair Access to Regulated Professions Act* and with its own Fair Registration Practices regulation. Ensuring that our certification and registration practices are consistently fair, transparent, impartial and objective continues to be a priority.

The College's Fair Registration Practices Committee acknowledged the significant changes to and implementation of new registration practices since the College's last Fair Registration Practices Review in 2008, as a result of the College's Fair Registration Practices Regulation and most recently the College's Teachers' Qualifications Regulation which resulted in more transparent and streamlined certification processes.

The committee recognises that continuous improvement is an integral component of any review process and makes the following recommendations to the Registrar:

- Track any feedback from applicants regarding the online application system to ensure that system enhancements and information about registration processes meet the needs of our applicants.
- Establish a formal process to identify and/or monitor factors that impact a small percentage of credential assessment cases making it difficult to meet the timelines prescribed in the College Fair Practices Regulation to determine if efficiencies can be achieved or whether policies require review.
- Examine the feasibility of enhancing the College's internal application system to track the date on a go forward basis when an applicant file is submitted to evaluation, meaning when all necessary documents are received, to improve tracking of the 120-day best efforts decision timeframe.
- Examine best practices in other self regulatory bodies with large numbers of applicants to determine if there are other opportunities for efficiencies in registration processes that could be considered by the College.