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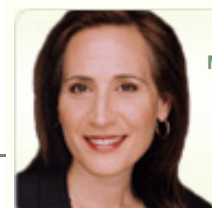
Policy/Program Memorandum No. 33

Issued under the authority of the
Deputy Minister of Education

Date of Issue: May 25, 1989 **Effective:** From May 1, 1989 until revoked or modified

Subject: **EMPLOYMENT OF CONTINUING EDUCATION TEACHERS AND CONTINUING EDUCATION INSTRUCTORS**

Application: Chairpersons of School Boards
Directors of Education
Principals of Elementary and Secondary Schools

MINISTER OF
EDUCATION
**Sandra
Pupatello**

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I. BACKGROUND

The Supreme Court of Ontario judgement released January 27, 1987, ruled that a teacher employed by a school board in a continuing education program is a teacher as defined under the Education Act and the School Boards and Teachers Collective Negotiations Act.

In response to the court ruling, the following legislative initiatives have been completed:

1. An Act to Amend the Education Act (Bill 70) amends the Education Act by providing definitions of a "continuing education teacher" and a "continuing education instructor" and by setting out the provisions relating to the employment of continuing education teachers on standard forms of contract.
2. Ontario Regulation 277 is amended to provide for a new Form 3 contract, the Continuing Education Teacher's Contract.
3. Ontario Regulation 154/89, "Continuing Education", identifies the classes and courses to be taught by continuing education teachers



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and specifies the general responsibilities of school boards in the delivery of continuing education programs.

4. Section 9 of Ontario Regulation 262 is revoked.

II. SUMMARY OF LEGISLATIVE INITIATIVES

Although school board personnel are requested to familiarize themselves fully with the above statutory and regulatory provisions pertaining to continuing education, the following general summary is presented.

1. Employment of Continuing Education Teachers

- a. Continuing education teachers are teachers employed on a standard form of contract either to teach continuing education credit courses or approved elementary summer courses and classes, or to develop or to co-ordinate such courses or classes.

(Paragraph 6b of subsection 1(1) of the Education Act; subsection 1(3) of Ontario Regulation 277; and subsection 3C of Ontario Regulation

154/89)

- b. Unless a board and a continuing education teacher agree that he or she will be employed for his or her teaching duties in continuing education on a Probationary Teacher's Contract (Form 2) or on a Permanent Teacher's Contract (Form 1), every continuing education teacher must be employed by a board on a Continuing Education Teacher's Contract (Form 3). (Subsections 230a(l), (5), and (6) of the Education Act)
- c. Subsection 230(1) of the Education Act provides that a full-time or part-time teacher must be employed on a Probationary Teacher's Contract (Form 2) or on a Permanent Teacher's Contract (Form 1) for his or her teaching duties that are not related to his or her teaching duties in continuing education or as an occasional teacher.

or full time or part time teacher employed by a board may also be employed by that board, or by one or more other boards, as a continuing education teacher and/or as a continuing education instructor.

- e. The provision in paragraph 7 of the Probationary Teacher's Contract (Form 2) and the Permanent Teacher's Contract (Form 1) for notice by the teacher applies only where the teacher has entered into an agreement with another board on a Form 1 or a Form 2 contract.

2. Continuing Education Teacher's Contract (Form 3)

- a. The Continuing Education Teacher's Contract (Form 3) may be signed and sealed before or after the teacher commences his or her duties.
- b. Every Continuing Education Teacher's Contract (Form 3) must be signed by the teacher and by

designated officers of the board who may not necessarily be the chairman and secretary of the board.

- c. A Continuing Education Teacher's Contract (Form 3) may be terminated in three ways, as stated in paragraph 5 of the contract.

3. Employment of Continuing Education Instructors

- a. Continuing education instructors provide instruction in those continuing education courses or classes for which a valid certificate of qualification or a letter of standing as a teacher is not required. (Paragraph 6a of subsection 1(1) of the Education Act; subsection 3(2) of Ontario Regulation 154/89.
- b. Boards are not required to employ continuing education instructors on standard forms of contract, even when such instructors hold valid certificates of qualification or letters

of standing as teachers.

- c. Boards wishing to extend the terms of a standard form of contract to continuing education instructors may employ these instructors on a standard form of contract in accordance with paragraph 2 of subsection 150(1) of the Education Act.
- d. A continuing education instructor may be employed by one or more boards to provide instruction in continuing education courses or classes.
- e. A continuing education instructor must hold qualifications acceptable to the boards.

III. IMPLEMENTATION

- 1. An Act to Amend the Education Act (Bill 70), which comes into force on May 1, 1989, does not disturb the actual contracts in place at the time of, or deemed to be in place as a result of, the Supreme Court of Ontario judgement that was released on January 27, 1987. The contracts remain in force until the boards

terminate them in accordance
with the terms of the contracts.

2. Copies of An Act to Amend the Education Act (Bill 70), Ontario Regulation 154/89, and amendments to Ontario Regulation 277 are being sent under separate cover to directors of education only, as are quantities of the Continuing Education Teacher's Contract (Form 3). Additional copies of the act and regulations may be ordered from:

Ontario Government
Bookstore
880 Bay Street
Toronto, Ontario
M7A 1N8

Telephone: Toronto
area: (416) 965-6015
Toll-free: 1-800-268-
7540
Toll-free (area code 807
only): call the operator
and ask for Zenith 67200

3. The current procedures for ordering and distributing standard forms of contract will continue to apply. Boards may order additional quantities of the Permanent Teacher's Contract (Form 1), the Probationary Teacher's Contract (Form 2), and Continuing

Education Teacher's Contract
(Form 3) from:

Distribution Services
Ministry of Education
26 Breadalbane Street
Toronto, Ontario
M4Y 1C3

Telephone: (416) 965-
2668

4. Questions relating to the government's legislative initiatives should be directed to the ministry's Legislation Branch. Please call Dr. Jack Berryman at (416) 965-2228.

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