

## ONTARIO REGULATION 322/10

made under the

### EDUCATION ACT

Made: August 5, 2010

Approved: August 10, 2010

Filed: August 16, 2010

Published on e-Laws: August 18, 2010

Printed in *The Ontario Gazette*: September 4, 2010

### LETTERS OF PERMISSION — EARLY CHILDHOOD EDUCATORS

#### Letters of permission

1. (1) The Minister may grant to a board a letter of permission for a period that is specified in the letter authorizing the board to appoint a person who is not an early childhood educator to a position designated by the board as requiring an early childhood educator if,

- (a) the director of education or secretary of the board or, in the case of a school authority, the appropriate supervisory officer, submits to the Ministry an application in the form required by the Minister, which shall include the declaration of the person submitting the application that,
  - (i) the board has publicly advertised a position for which an early childhood educator is required under the Act,
  - (ii) the advertisement,
    - (A) was published in a daily newspaper having provincial circulation in Ontario for at least three days, and at least one of those days was within the five days before the closing date of the competition for the position, or
    - (B) was published on a publicly accessible website approved by the Minister, other than a website described in subclause (iv), for at least 10 days and was not removed before the closing date of the competition for the position,
  - (iii) every day that the advertisement appeared in a newspaper or on a website referred to in subclause (ii) was within the 30 days before the closing date of the competition for the position,
  - (iv) the advertisement was made available at two or more universities, colleges of applied arts and technology or private career colleges registered under the *Private Career Colleges Act, 2005*, that are in Ontario and offer diploma or degree programs in early childhood education,
    - (A) by posting it on a job posting website or electronic bulletin board, approved by the Minister, of a university, college of applied arts and technology or private career college for at least 10 days and it was not removed before the closing date of the competition for the position, or
    - (B) if a university, college of applied arts and technology or private career college is likely to be a source of candidates for the position, as indicated by factors such as the geographic location of the program, the language of instruction of the program or the location of practicum sites for students in the program, but the university, college of applied arts and technology or private career college does not have a job posting website or electronic bulletin board, by submitting the advertisement to the head of department of the early childhood education program,
  - (v) every day that the advertisement appeared on a website or electronic bulletin board referred to in subclause (iv) was within the 30 days before the closing date of the competition for the position,
  - (vi) no early childhood educator has applied for the position or no early childhood educator who has applied for the position has accepted it,
  - (vii) the individual that the board proposes to employ under the authority of a letter of permission is 18 years of age or older and holds an Ontario secondary school diploma, a secondary school graduation diploma or a secondary school honour graduation diploma, or an equivalent to any of them,
  - (viii) the individual is not and has never been a member of the College of Early Childhood Educators,
  - (ix) the individual has provided to the board a written statement that any early childhood education certificate or licence granted to him or her by another jurisdiction is not cancelled, revoked or suspended for any reason other than for failure to pay fees or levies to the governing body,

- (x) the board has collected a personal criminal history, as defined in Ontario Regulation 521/01 (Collection of Personal Information) made under the Act, of the individual,
  - (xi) the board has conducted a reference check of the individual and is satisfied with the results,
  - (xii) if one letter of permission has previously been granted under this Regulation in respect of the individual, the individual has provided the board with documentation indicating that he or she is doing, or will do during the time that the letter of permission is effective, everything that is reasonably necessary to meet the qualifications required to be an early childhood educator, and the board is satisfied with that documentation and information, and
  - (xiii) if two or more letters of permission have previously been granted under this Regulation in respect of the individual, the individual has provided the board with documentation indicating that he or she,
    - (A) has made progress towards meeting the qualifications required to be an early childhood educator since the date that the most recent letter of permission was granted, and the board is satisfied with that documentation and information, or
    - (B) has been unable to make progress as described in sub-subclause (A) for any reason including, but not limited to, pregnancy, parental leave, illness or disability, and the board is satisfied with that documentation and information;
  - (b) the person submitting the application attaches to the application such evidence as the Minister may require of the facts set out in the declaration under clause (a);
  - (c) the application and evidence are submitted no earlier than seven days after the closing date of the competition for the position; and
  - (d) the anticipated start date of the position for which the board proposes to employ the individual is no later than 30 days after the closing date of the competition for the position.
- (2) If a letter of permission is granted, it shall be effective as of the start date of the position.
- (3) An individual may not be employed under the authority of a letter of permission granted under this Regulation for more than four years in total.
- (4) Subclauses (1) (a) (iv) and (v) do not apply to applications for letters of permission for the 2010-2011 school year.

**Commencement**

**2. This Regulation comes into force on the day it is filed.**

Made by:  
Pris par :

*La ministre de l'Éducation,*

LEONA DOMBROWSKY  
*Minister of Education*

Date made: August 5, 2010.  
Pris le : 5 août 2010.

Français

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