

Questions and Answers – Teacher Performance Appraisal (TPA) for Experienced Teachers Updated: February 20th, 2008

Questions and answers are organized consistent with the organization of the *Performance Appraisal of Experienced Teachers: Technical Requirements Manual (2007)*.

Part I: Scheduling and Frequency

Part II: Annual Learning Plan and Parent and Student Input

Part III: Procedures

Part IV: Process Following a Performance Rating

Part V: Documentation

Part I: Scheduling and Frequency

Q: How should boards transition experienced teachers from the previous three-year evaluation cycle to the new five-year evaluation cycle?

A: Ontario Regulation 99/02 provides that each evaluation cycle is five years and four non-evaluation years must have elapsed before the next evaluation year. As a result, boards should transition teachers from the previous three-year cycle to the new five-year cycle based on when they had their last evaluation year such that there are four non-evaluation years since the last evaluation year. For example, if a teacher's last evaluation year was 2004/05, that teacher should be scheduled for his or her next evaluation year in 2009/10. In an evaluation year, the teacher must receive at least one performance appraisal. In cases where the performance appraisal results in an *Unsatisfactory* rating, the teacher is required to receive additional performance appraisals in accordance with Part X.2 of the Education Act.

Q: What is the impact of the way in which teachers are transitioned into the five-year evaluation cycle? What should principals, vice-principals and teachers focus on during this time?

A: The impact is that there will be two years, 2007/08 and 2008/09, during which principals will conduct fewer performance appraisals under the new evaluation scheme. The teachers that will be evaluated in these years include new teachers and experienced teachers that are new to a board. Teachers that receive additional appraisals, either due to a principal determining that an appraisal is necessary or a teacher requesting an additional appraisal, will also be appraised. In these cases, however, the additional appraisals will not change the teacher's evaluation cycle.

The two lighter evaluation years will provide school boards, principals, vice-principals and teachers the opportunity to focus on other important aspects of the TPA process. For example, we anticipate that principals will take this opportunity to support teachers in developing their Annual Learning Plan, a key component of the revised TPA process for the intervening years between evaluation years. Under the revised appraisal process, each year, teachers, in consultation with their principal, are required to review and update their ALP, as necessary, from the previous year. This provides teachers and principals with

an opportunity to collaborate and engage in meaningful discussions of teacher performance and growth strategies every year.

During the 2007/08 school year, the ministry in partnership with teacher federations, principal associations, supervisory officer associations, and CODE will implement a comprehensive professional learning strategy for principals and teachers to ensure the effective implementation of the revised TPA process in future years.

When the cohort of teachers receiving performance appraisals under the new cycle starts up again in 2009/10, principals and teachers should be well prepared to engage in the appraisal process after receiving a range of professional learning supports and with a significant reduction in the workload associated with each performance appraisal. In the longer term, following these transitional years, we anticipate that the evaluation cycle will even out with teachers moving between boards and teachers both entering and leaving the school system.

Q: Are there any circumstances in which teachers might have less than four years between performance appraisals? What impact does this have on the teacher's evaluation cycle?

A: Yes. In some circumstances, a teacher may have less than four years between performance appraisals but this does not change the evaluation cycle unless the teacher changes boards. For example:

- A principal may conduct additional appraisals at any time in light of circumstances related to the teacher's performance. A teacher may also request additional appraisals during a non-evaluation year. These additional appraisals do not change the evaluation year cycle.
 - For example, if a teacher had his or her last evaluation year in 2004/05 and is scheduled for his or her next evaluation year in 2009/10, he or she may receive an appraisal at any time in between those years if the principal requests an appraisal or if the teacher requests an appraisal and the principal agrees to conduct the appraisal.
 - In this scenario, if the teacher received a performance appraisal in 2007/08 which would be a non-evaluation year, he or she would continue to be required to have his or her next evaluation year in 2009/10 as scheduled.
- A teacher who is new to a board must also have a performance appraisal in his or her first year with that board, no matter when he or she had his or her last evaluation year with their former board.
 - For example, if a teacher had his or her last evaluation year in 2004/05, is scheduled for his or her next evaluation year in 2009/10, and was hired by a new board in 2007/08, he or she would be required to have an evaluation year in his or her first year with the board.
 - In this scenario, the first year a teacher is new to a board is the first evaluation year for that teacher in that board and starts the cycle for that teacher in that board. The teacher would have his or her appraisal in 2007/08 and be scheduled for his or her next appraisal in 2012/13.

Q: How should school boards transition teachers who are absent from their position for a period time into the five-year evaluation cycle?

A: There are a range of circumstances where a teacher might be absent from his or her teaching position, and the impact on the teacher's evaluation cycle differs based on the circumstance, as follows.

- If a teacher is seconded to another board, he or she should be scheduled into the five-year appraisal cycle based on when he or she had his or her last evaluation year so that there are four non-evaluation

years since the last evaluation year. The teacher's home board must notify the board to which the teacher is seconded of the year in which that teacher must have his or her next evaluation year.

- In another instance, there are certain periods that are not counted as part of the cycle, for example a period during which the teacher is on a secondment to a non-teaching position (see O. Reg. 99/02, as amended, for other such periods of time).
 - In the transition of such teachers to the five-year evaluation cycle, boards must take into account the period that is not counted as part of the cycle. For example, if the last evaluation year that a teacher had was in 2004/05, they would normally be placed in the five-year evaluation cycle in 2009/10. However, if they were on leave for the year 2007/08, then that year would not count in the cycle and they would have their next evaluation year in 2010/11.
 - In a case such as the above, if the teacher is on an extended leave that has been approved by the board, and that leave takes place within the teacher's scheduled evaluation cycle, then the appraisal that would normally have been conducted during that period must be conducted within 60 school days following the teacher's return from leave. For example, if the last evaluation year that a teacher had was in 2004/05, they would normally be placed in the five-year evaluation cycle in 2009/10. If they went on an extended leave in 2009/10 and returned in 2010/11, that teacher would receive a performance appraisal within 60 days following his or her return from leave in 2010/11.

Q: When a teacher is seconded to a position within their own board, what impact does this have on the teacher's evaluation cycle?

A: If it is a secondment to a teaching position (i.e., a position which requires participation in the performance appraisal process set out in Part X.2 of the Act), the year that is scheduled as an evaluation year for the teacher during the cycle does not change (Subsection 12. (1) of O. Reg. 99/02).

If it is a secondment to a non-teaching position (i.e. a position which does not require participation in the performance appraisal process), the period of time during which the teacher is in the non-teaching position is excluded from the 5 year cycle (Subsection 11(1)3. of O. Reg. 99/02).

Q: If boards have missed conducting teacher performance appraisals in what should have been an evaluation year, would the year in which the evaluation is conducted count as the teacher's evaluation year for establishing the evaluation cycle?

A: In accordance with section 277.22 (2) it is the boards' obligation to make sure that as far as possible all required timelines are met. If a board has not met a timeline then the board must meet it as soon as possible. If a board or principal did not conduct an evaluation in the required evaluation year then the performance appraisal must be conducted as soon as possible. The cycle would start in the school year the appraisal is commenced.

Q: Under what circumstances can a principal conduct additional performance appraisals of a teacher?

A: As set out in O.Reg. 99/02, the principal may conduct additional performance appraisal(s) of a teacher if he or she considers it advisable to do so in light of circumstances relating to the teacher's performance. The principal has the discretion to use his or her professional judgement to determine whether he or she will conduct additional appraisals. If a principal has further questions about

conducting additional appraisals for an individual teacher, it is recommended that the principal consult with his or her school board.

Q: If a teacher is not given notice that he/she will be evaluated within the first 20 school days after they begin teaching in a year that is scheduled as an evaluation year (as set out in O. Reg. 99/02), can they still be evaluated in that year?

A: Yes. Section 277.22 of the Education Act sets out that if a timeline for a step or process is missed, the step or process is to be carried out as soon as possible thereafter and the timeline for succeeding steps or processes shall be calculated from the time the step or process was actually completed.

Q: If it is determined mid-year that the teacher must have an evaluation year this year, what happens to the requirement for the principal to notify the teacher of the evaluation year within 20 school days after the teacher commences teaching in that year?

A: Based on requirements set out in Section 277.22 of the Education Act, the teacher would be given notice as soon as possible that this year will be his or her evaluation year. The board may choose to direct principals to ensure that there are 20 days between the time the teacher is notified and the time the appraisal begins (i.e., the pre-observation meeting).

Q: In the technical guide, a principal must within 20 school days after a teacher commences teaching in his or her evaluation year, notify the teacher that his or her performance will be assessed during that school year. Does this apply to additional performance appraisals for a teacher?

A: There is no requirement for the 20 day notification for additional performance appraisals that take place in a non evaluation year since these are outside the performance appraisal scheme.

Q. A teacher is evaluated in May (i.e. 2007/08) and receives an ‘unsatisfactory’ rating. The assessment process will proceed and finish in the following year (i.e. 2008/09). Which year (i.e. 2007/08 or the 2008/09) counts as the teacher’s evaluation year? When will the next evaluation year be?

A. The 2007/08 year counts as the teacher’s evaluation year. The fact that the evaluation is not completed within the evaluation year does not change the teacher’s evaluation cycle. The next evaluation year will be scheduled for 2012/13, after four non-evaluation years. Under O.Reg.99/02, the first year a teacher is employed by a board is an evaluation year for that teacher and the 5 year cycle is established from that date.

Q: Is a teacher employed on a “letter of permission” required to participate in the experienced teacher performance appraisal process?

A: Yes. As set out in Section 277.15(1) of the Education Act, pertaining to teacher performance appraisal, a teacher means a "member of a teachers' bargaining unit" and a "temporary teacher". The definition of a temporary teacher, as set out in Section 1 (1) of the Act, is a person employed to teach under the authority of a letter of permission. Thus, a teacher on a letter of permission is required to participate in the TPA process for experienced teachers.

Q: Are teachers who are hired by boards as Long Term Occasional (LTO) teachers required to participate in the experienced teacher performance appraisal process?

A: No. As set out in Part X.2 of the Education Act pertaining to teacher performance appraisal, a teacher means a member of a teachers' bargaining unit and a temporary teacher but does not include occasional teachers.

Q: At what point do new teachers enter into the experienced teacher performance appraisal cycle?

A: New teachers enter the experienced teacher appraisal cycle in the school year after they receive their NTIP notation (after two consecutive satisfactory new teacher appraisals). In their first year as an experienced teacher, and every year after that, they must complete an Annual Learning Plan (ALP). Their first performance appraisal as an experienced teacher takes place four years after they receive their notation, unless the principal requests an additional appraisal.

Q: What is the requirement for conducting teacher performance appraisals for teachers who indicate they are retiring at the end of the year that is identified as their evaluation year?

A: If the year is scheduled as an evaluation year for a teacher, the teacher must receive a performance appraisal in accordance with the requirements set out in Part X.2 of the Education Act, and in O. Regs 99/02 and 98/02. There is no exception for an experienced teacher who plans to retire at the end of the year that is scheduled as his or her evaluation year.

Q: What happens if a teacher refuses to participate in the TPA process?

A: This is a matter to be determined by board policy and the principal would consult with senior administrative staff regarding board policies on disciplinary matters and other avenues of action.

Part II: Annual Learning Plan and Parent and Student Input

Q: The *Performance Appraisal of Experienced Teachers: Technical Requirements Manual (2007)* states that the revised ALP is teacher authored and directed and is developed in a consultative and collaborative manner with the principal. What does this mean?

A: O. Reg. 98/02 requires that each year, teachers, in consultation with their principal, review and update their ALP, as necessary, from the previous year. Further to this, the definitions of “consultation” and “collaboration”, as agreed to by the Provincial Coordinating Committee, are as follows:

- Consultation: the act of seeking information, guidance, advice, or an opinion from someone else
- Collaboration: working together for a common purpose, collaboration is an important professional approach that is embedded throughout the performance appraisal process

The focus of the completion of the ALP is on teachers engaging in a meaningful professional conversation about the teachers' performance and growth strategies. This process will be a key focus of the upcoming school board resource team sessions.

Q: How has the Annual Learning Plan (ALP) been adapted to make it a more meaningful vehicle for the teacher's professional learning in the evaluation year and for the intervening years between appraisals?

A: There are a number of ways in which the ALP has been adapted. The revised ALP requirements recognize that teachers, as professionals, are able to identify their professional learning and growth needs, taking into account the principal's recommendations from the performance appraisal. Each year after teachers develop their first learning plan, they must consult with their principal to review their ALP from the previous year, their learning and growth over the year, and also refer back to the summative report of their most recent performance appraisal. Based on this review, teachers are required to update their ALP for the year, as necessary.

Q: What should be considered in developing professional growth goals and strategies?

A: It is recommended as effective practice, that teachers, in consultation with their principal, consider their school and school board improvement plans and priorities as they identify goals, strategies, and learning opportunities that are aligned with and can be supported within their local school and board context.

Q: Are schools and school boards required to provide an outline of their improvement plans and priorities, as well as plans for professional learning, in order for teachers to review and update their ALP for the year?

A: While, there is no such requirement, the Provincial Coordinating Committee agreed that, as effective practice, schools and school boards should provide this type of information to provide a context for teachers, in consultation with their principals, to develop their growth goals and strategies as part of the ALP. An optional information template was provided to school boards in a memo sent out on September 17th, 2007 to assist them in this communication.

Q: What are the revised requirements related to parent / pupil input as part of the revised TPA process for experienced teachers?

A: Experienced teachers are encouraged to gather and reflect upon parent and student input to inform the review and update of their Annual Learning Plan (ALP) each year. The TPA for Experienced Teachers School Board Resource Team Effective Practice binder contains effective practices for teachers to consider as they gather and reflect on this input. An additional resource is also being developed in partnership with the Provincial Coordinating Committee and other stakeholders, for release this spring, to provide further effective practices in this area.

Q: Now that parent and student surveys are no longer required as part of the performance appraisal process, how will experienced teachers take parent and student input into account to inform their professional learning and teaching practice?

A: Experienced teachers are encouraged to gather and reflect upon parent and student input each year to inform the development of their Annual Learning Plan (ALP). In addition, parents and students continue to have the opportunity to discuss a teacher's performance with a principal at any time. Teacher performance is appraised based on 16 competency statements, one of which includes effective communication with pupils, parents, and colleagues. Principals may comment on this and other related competencies, as well as provide additional comments and recommend professional growth and

strategies for the teacher to consider, through the summative report of the teacher's performance appraisal. An additional resource is also being developed in partnership with the Provincial Coordinating Committee and other stakeholders, for release this spring, to provide further effective practices in this area.

Q: Does the Education Act or TPA regulations require that teachers submit their Annual Learning Plan (ALP) by a certain time each year; for example by September 30? Do school boards have the authority to set a timeline for teachers to submit their ALP?

A: There is no specific timeline set out in the Education Act or in O. Reg. 98/02 for teachers to submit their ALP. According to Section 277.32(1) (b) of the Education Act, school boards are able to provide for additional standards, methods, processes, timelines and steps to be followed in the appraisal process. This includes setting timelines for the ALP. The Provincial Coordinating Committee members agreed that teachers and principals would benefit from the upcoming staff development sessions prior to completing their ALP; however, if some teachers have already completed their ALP this does not prevent them from revisiting and revising their plan throughout the year.

Q. Has the ministry provided any instruction to boards about the timing or sequence of the submission of ALPs in 2007-08?

A: No, the ministry has not provided direction to school boards about the timing or sequence of ALP submissions by teachers for this year. School boards are required to implement the revised ALP requirements, as set out in O. Reg. 98/02, beginning September 1, 2007 and they have the flexibility to determine processes and timelines to be followed where these are not specified in the Education Act or Regulations.

Q: In some cases, school boards have developed their own version of the Annual Learning Plan form, based on the sample provided in the *Performance Appraisal of Experienced Teachers: Technical Requirements Manual (2007)*. Are school boards able to make their adapted form mandatory for use by teachers within their board?

A: Section 277.22 (1) of the Education Act sets out that boards may establish policies and rules that are consistent with the teacher performance appraisal process for teachers employed in their board, in order to make the process work effectively. Boards have the authority to develop their own ALP form to be used by teachers employed in their board.

In accordance with O.Reg 98/02 the ALP form must include the teacher's professional growth objectives, proposed action plan and time lines for achieving those objectives. The form must also reflect the intent of the revised TPA process (e.g. teachers are encouraged to gather and reflect on parent and student input to inform their professional learning and teaching practice as they review and update their ALP each year).

The sample ALP form that is provided in Appendix D of the performance appraisal manual was developed based on extensive discussions with teacher federations, principal associations, supervisory officer associations, the Council of Ontario Directors of Education as well as parent and student groups, through the Working Table on Teacher Development. Refer to the sample ALP sample form, available on the ministry website at: <http://www.edu.gov.on.ca/eng/teacher/appraise.html>

If school boards choose to adapt this form, they are encouraged to consult with local partners through their TPA for Experienced Teachers School Board Resource Team, which includes teacher federation and principal association representatives.

Q: What are the requirements for principal and teacher signatures on the Annual Learning Plan (ALP)? What happens if the ALP is developed electronically and sent by email, are the signatures still required?

A: As set out in Section 2 (5) of O. Reg. 98/02, both the teacher and the principal are required to sign the teacher's Annual Learning Plan (ALP) each year and retain a copy for their records. Boards may choose whether the ALP with electronic signatures, rather than original paper copy signatures, is acceptable. Either way, signatures provided by the principal and teacher are legally required.

Part III: Procedures

Q: Does the pre-observation meeting have to be a one-to-one meeting? In the case where a principal has a number of teacher performance appraisals to conduct, can the principal meet with several teachers to review the classroom observation component of the appraisal?

A: The overall legislated performance appraisal scheme is set up to be a one on one process which reflects the standard performance appraisal practice. As set out in section 8. (2) of O. Reg. 99/02, the performance appraisal must include a meeting between the principal and the teacher in preparation for the classroom observation and to review the teacher's current learning plan. Subject to any board policies, a principal may choose to meet with several teachers to outline the requirements of the performance appraisal process, and provide an overview of the 16 competencies that form the basis of the appraisal. However, this would not replace the requirement to meet with teachers on an individual basis. Discussion at the meeting should include the matters identified on page 30 of the Performance Appraisal of Experienced Teachers: Technical Requirements Manual (2007). In order to facilitate individual meetings when there are a large number of appraisals, and subject to any board policies, principals may schedule the teacher performance appraisals at different times throughout the year. If the principal continues to have questions on this approach, it is recommended that the principal consult his or her school board.

Q: Must a classroom observation be for a full period of classroom instruction, or may the observation be conducted during part of a period only?

A: This is a matter to be determined in accordance with board policy, in the absence of which would be discussed by the principal and teacher at the pre-observation meeting.

Q: As part of the performance appraisal of a teacher, is it acceptable for the principal and the vice-principal to share the classroom observation?

A: Section 277.22 sets out that boards may establish policies and rules that are consistent with the teacher performance appraisal process for teachers employed in their board, in order to make the process work effectively. This would apply to whether a principal and vice-principal could share the classroom observation.

Q. Page 30 of the *Performance Appraisal of Experienced Teachers: Technical Requirements Manual* states that each performance appraisal must include at least one classroom observation. Are

principals able to conduct more than one classroom observation as part of a teacher's performance appraisal process?

A: There is no legal requirement for principals to conduct more than one classroom observation as part of a teacher's performance appraisal process. Recommended effective practice is that principals conduct more than one observation in cases where a single classroom observation does not provide enough information for the principal to assess the teacher's performance in relation to relevant competencies.

For example, if the classroom observation is disrupted due to extenuating circumstances such as a fire alarm, the principal and teacher may choose to use only some, or not to use any, of the results of that observation. Instead, they may decide to continue or begin again on another date. Another example may be that in the pre-observation meeting between the principal and the teacher, it is decided that, in order for the principal to accurately assess the teacher's performance, he or she must observe more than one lesson that the teacher will provide.

Professional judgement on behalf of the principal, as well as professional dialogue and a collaborative relationship built on trust and respect between the principal and the teacher, will help the principal and the teacher decide the best course of action in these circumstances.

Q: Page 32 of the *Performance Appraisal of Experienced Teachers: Technical Requirements Manual* states that the summative report form must be used to document the performance appraisal. If a principal were to conduct one or more additional classroom observations as part of a teacher's performance appraisal, would the principal be required to complete additional summative report forms for each of these additional classroom observations?

A: Subsection 8 (2) of Ontario Regulation 99/02, states that each performance appraisal must include the preparation of a summative report of the performance appraisal by the principal. It also states that a summative report must be provided to the teacher within 20 days of the teacher's classroom observation.

If more than one classroom observation takes place as part of the teacher's performance appraisal, it is recommended effective practice that the principal discuss and provide feedback to the teacher after each additional observation, but separate summative reports are not required. Instead, the results of all of the observations would then be included in the final summative report of the performance appraisal for that teacher.

Q: In preparing the summative report, is the principal able to reference work and evidence related to a teacher's practice and competencies from previous, non-evaluation years? Is he or she also able to refer to the previous summative report form? What if recommendations had been made in a previous summative report form, and the principal wants to make reference to this, because there is a concern about the lack of improvement from the previous performance appraisal?

A: As suggested effective practice, concerns about lack of improvement from the teacher's previous performance appraisal should be discussed with the teacher at the pre-observation meeting. In developing the summative report, the principal uses his or her professional judgement to determine the extent to which he or she will refer to work and evidence of teaching practice from previous non-evaluation years and/or comments from the previous summative report form. To support a trusting and collaborative working relationship, the principal would discuss with the teacher what he or she is planning to reference in the summative report.

In terms of work and evidence of effective teaching practice, per page 32 of the TPA Manual, the principal may choose to keep a Log of Teaching practice to collect evidence to support his or her appraisal of the experienced teacher's performance. The evidence may be described in the summative report or attached as supporting documentation. If the principal continues to have questions about what he or she might reference in completing the summative form, it is recommended that the principal consult with his or her school board.

Q: Is there a minimum number of competencies that a principal must comment on in the summative report form as part of the performance appraisal for an experienced teacher?

A: The ministry does not require that principals comment on a minimum number of competencies in the summative report form. The principal must assess teacher performance in relation to all 16 competencies and provide comments on the competencies identified in discussions with the teacher as the focus of the performance appraisal. The appraisal is intended to support the growth and development of individual teachers, as experienced professionals, and the range of 16 competencies will apply to different teachers in different ways. Thus, enabling the principal to limit his or her comments to competencies identified as the focus of the performance appraisal provides an individualized focus on the competencies that are most relevant to specific teachers in their unique teaching environments.

This direction is consistent with the recommendation from the Working Table on Teacher Development, which included teacher, principal, supervisory officer, director, parent and student representatives. As part of the revised appraisal process, the Working Table recommended that the “summative report should be modified to allow principals to report on those competencies identified in discussions with the teacher as most relevant to the teacher's appraisal.” (*Report to the Partnership Table on a Revised Teacher Performance Appraisal System for Experienced Teachers*, October 23, 2006) .

Q: What happens in a situation when a teacher would only like to have three competencies addressed in the summative form and the principal considers it necessary to address eight of the competencies. They are not able to agree, and the principal proceeds and completes the report based on the eight competencies.

A: As stated on page two of the approved summative report form, found on page 45 of the 2007 *TPA for Experienced Teachers Manual*, the principal must comment on the competencies identified in discussions with the teacher as the focus of the performance appraisal. However, notwithstanding the discussions held between the teacher and the principal, the principal is *required* to assess teacher performance in relation to all 16 competencies set out in O. Reg. 99/02, and may comment on competencies other than those discussed. As an effective practice, it is recommended that the principal speak with the teacher to explain his or her rationale for including the eight competencies.

Q: There is some concern that if one principal is only addressing three competencies and in another school they are addressing significantly more, there will be discrepancies from school to school. For example, if a teacher transitions from one school to another school that has only had three competencies addressed and begins to encounter difficulties in a subsequent performance appraisals, will not the lack of consistency of the process be called into question?

A: The principal is *required* to assess teacher performance in relation to all 16 competencies set out in O. Reg. 99/02. This is consistent across the province. The appraisal process is intended to support the

growth and development of individual teachers, as experienced professionals, and the range of 16 competencies will apply to different teachers in different ways. Thus, enabling the principal to limit his or her comments on competencies identified in discussions with the teacher as the focus of the performance appraisal provides an individualized focus on the competencies that are most relevant to specific teachers in their unique teaching environments (keeping in mind that principals may comment on competencies other than those discussed if he or she deems it necessary to do so). The TPA for Experienced Teachers School Board Resource Teams are in place and will receive funding to provide local learning opportunities to principals and teachers up to June 2008. This will help build a common understanding of the revised appraisal process, and ensure effective implementation that is aligned with the technical requirements and effective, growth-focussed appraisal practices.

Q: Are school boards allowed to modify the approved summative report form that is provided on the ministry website and in Appendix B of the 2007 Technical Requirements Manual? Is the form “locked” on the ministry website?

A: The content on the approved summative form was agreed to by members of the Working Table on Teacher Development, which included representatives of teacher federations, principal associations, supervisory officer associations, the Council of Ontario Directors of Education, parent and student groups. Principals must use the summative report, in a form that is approved by the Minister, in conducting the performance appraisal (subsection 8 (2) p7 O. Reg. 99/02). Boards are not allowed to remove any of the content from the approved form. Boards may add information to the summative report form, such as additional competencies (Section 277.32 of the Education Act), as long as this does not affect the substance of the form or mislead, and the form is organized in substantially the same way as the approved form. If boards are replicating the form for use as part of a software program, the program must include all the information that appears on the approved summative form. The form is not “locked” on the ministry website.

Q: Are electronic signatures on TPA forms acceptable or does the ‘official’ version need to be a paper copy with signatures?

A: Boards will choose whether original, signed paper copies of the TPA documents are required, or whether documents with electronic signatures are acceptable.

Q: Some school boards have an electronic format or have computerized their performance appraisal process by sending a copy of the summative report to the teacher by email. The principal’s signature is not on the report.

A: As set out in Section 8 (2) of O. Reg. 99/02, as amended, the principal is required to provide the teacher with a copy of the summative report of the performance appraisal, signed by the principal, within 20 school days after the classroom observation. The principal must sign the summative report. The teacher must also sign the report to acknowledge receipt of the report. The report, signed by both the teacher and the principal, must be provided to the school board. The only variance is that boards may choose whether the summative report with electronic signatures, rather than original paper copy signatures, is acceptable. Either way the principal and teacher signatures are a legal requirement. The same requirements apply to new teacher performance appraisals as set out in Section 16 (2) of O. Reg. 99/02, as amended.

Q: Should teachers sign a report that has not been signed by the principal?

A: The summative report must be signed by the principal and provided to the teacher within 20 school days after the classroom observation. Once the report is signed by the principal, the teacher must sign the report to acknowledge that he or she has received the report. A copy of the report, with both signatures, must be provided to the board. The requirements are set out in O. Reg. 99/02, as amended. The same requirements apply to new teacher performance appraisals as set out in Section 16 (2) of O. Reg. 99/02, as amended.

Q: If a copy of the summative report is provided to the teacher by email, does the fact that the teacher opened (read) the email mean that he or she does not have to sign the report?

A: The signature of the teacher is required. Boards may choose whether the summative report with electronic signatures, rather than original paper copy signatures, is acceptable. This does not impact on the requirement set out in Section 8 (2) of O. Reg. 99/02, as amended, that the principal must sign the summative report and provide the teacher with a copy of the signed report within 20 school days after the classroom observation. The teacher must also sign a copy of the report to acknowledge that he or she has received the report. A copy of the report with both signatures must be submitted to the school board. The same requirements apply to new teacher performance appraisals as set out in Section 16 (2) of O. Reg. 99/02, as amended.

Q: Some boards give a copy of the summative report to the teacher asking that he or she add their comments on it instead of making comments to the original copy of the summative report signed by the principal. Is this consistent with the requirements of the revised TPA process?

A: As stated on pages 32, 35 and 44 of the *Performance Appraisal of Experienced Teachers: Technical Requirements Manual*, teachers *can* or *may* add comments on the summative report. They are not required to do so. It is recommended as effective practice that if a teacher does add comments that the comments be included on the original signed copy of the summative report for record keeping purposes.

Q: Would a principal who is assigned to a school of fewer than 125 students, who does not hold his or her principals qualifications, conduct the performance appraisals of teachers assigned to his or her school?

A: Yes. O. Reg. 298 provides that the principal of a school of over 125 students must hold the principals qualifications as set out in O. Reg. 184. Therefore, a principal of a school of fewer than 125 students does not need these qualifications but is still the principal and would still conduct the TPA. However, this person must meet all other requirements of the position and so cannot be a member of a teachers' bargaining unit.

Q: Would a teacher who is in an "acting" principal role (i.e. on secondment to act as principal) conduct the performance appraisals of teachers assigned to his or her school?

A: In this case, if the individual is a member of the teachers' bargaining unit, he or she would not conduct the performance appraisals. The appraisals would be conducted by the appropriate supervisory officer.

Q: Is a principal who is assigned to a school, and has teaching duties, required to participate in the teacher performance appraisal process? What about a teacher who is in an "acting" principal role and has teaching duties?

A: Principals are excluded from the definition of teacher for the purposes of the performance appraisal, and are therefore not required to participate in the performance appraisal process. If, however, a person is in an "acting" principal role and is still a member of the teachers' bargaining unit, he or she must participate in the appraisal process as it relates to his or her teaching duties.

Part IV: Process Following a Performance Rating

Q: Page 36, 37, and 39 of the TPA for Experienced Teachers' *Technical Requirements Manual (2007)* outline the requirements for steps that a principal must take when a teacher receives an *Unsatisfactory* performance appraisal rating. Reference is made to a "performance appraisal document" in each of these pages. What is meant by the "performance appraisal document"? Is this a copy of the Summative Report Form?

A: Yes. The "performance appraisal document" is a copy of the Summative Report Form (provided in Appendix B of the 2007 TPA for Experienced Teachers Technical Requirements Manual).

Q: Page 59 of the NTIP:TPA Manual and page 36 of the TPA for Experienced Teacher manuals state that the principal must take certain steps within 15 days of determining that the performance appraisal of a teacher will result in an unsatisfactory rating. When would this determination be made by the principal (e.g. after the classroom observation, at the post observation meeting)?

A: The legislation does not explicitly identify the exact point at which a principal determines that the performance appraisal has resulted in an unsatisfactory rating. However, the determination would not take place any later than the time that the summative report is completed, because the rating is set out in the summative report form. The principal has 20 school days after the classroom observation to provide a summative report to the teacher.

It is important to note that these 20 and 15 days are outside limits. A principal can issue the summative report or comply with the steps following the determination of an unsatisfactory rating, sooner than the 20 and 15 days, and be in compliance. There are a number of ways the principal could schedule matters and meet the time line requirements. This provides flexibility for the principal to address individual circumstances or boards to fine-tune procedures if they wish.

Q: What are the requirements for principal and teacher signatures on the Improvement Plan? What if the Improvement Plan is developed electronically and sent by email, are the signatures still required?

A: As set out in Sections 277.36 (1) and 277.37 (2) of the Education Act, within 15 school days of determining that a performance appraisal of an experienced teacher has resulted in an *Unsatisfactory* rating, the principal must provide the teacher and the appropriate supervisory officer with a copy of the Improvement Plan. The plan must include the steps and actions recommended for the teacher to take to improve his or her performance. The principal must seek input from the teacher as to what steps and actions could help the teacher to improve his or her performance. Although the principal's signature is not legally required, it is recommended to indicate that he or she has developed the Improvement Plan with the teacher's input. Similarly, a signature by the teacher is recommended to indicate that he or she provided input into the Improvement Plan. The same requirements apply to new teacher performance

appraisals as set out in 277.40.1 (2) and 277.40.2 (2) of the Education Act.

Q: On page 38 of the TPA for Experienced Teachers' *Technical Requirements Manual (2007)*, it states that the principal will “monitor” the teacher’s performance whenever a teacher is placed on review status. What does this mean in practice? Would it include additional classroom observations?

A: The principal can decide how best to monitor the teacher’s performance, taking into account any board policies.

Q: What if a teacher resigns while on review status?

A: If a teacher resigns while on review status, the secretary of the board must notify the Ontario College of Teachers that this has happened, by filing a complaint under section 26 of the Ontario College of Teachers Act, 1996 regarding the reasons for the teacher having been placed on review status. (Section 277.40(2) of the Education Act).

Q: What if teacher retires while on review status?

A: There is no statutory requirement to notify the Ontario College of Teachers when a teacher retires while on review.

Q. In the event that there are enduring differences between a teacher and principal related to the TPA process result in conflict, what is the process for resolution?

A. In the event of an unresolved conflict, the parties should utilise the structures in place in their respective boards for dealing with issues of conflict.

Part V: Documentation

Q: What should boards do with parent/student survey materials that they have on file from the previous performance appraisal process?

A: Section 277.42 of the Education Act requires that copies of all documents relied on in conducting a performance appraisal, including parent or student surveys that formed part of a performance appraisal, must be retained by boards for a period of at least six years from the date of the summative report of the performance appraisal to which the record relates. Section 277.43 sets out the details of how and when that information is to be shared between boards.