

Date of Issue: May 21, 2008

Effective: June 30, 2008
Until revoked or
modified

Subject: APPLICATIONS FOR LETTERS OF PERMISSION

Application: Directors of Education
Secretary Treasurers and Supervisory Officers of School Authorities

Reference: Ontario Regulation 142/08, “Letters of Permission”

INTRODUCTION

A new regulation on Letters of Permission, made under the Education Act, will come into force on June 30, 2008. This regulation – Ontario Regulation 142/08, “Letters of Permission” – will replace Ontario Regulation 183/97, “Letters of Permission”. Ontario Regulation 142/08 includes the revised requirements for school boards¹ regarding applications for Letters of Permission.

The purpose of this memorandum is to provide boards with information on requirements for submitting an application, a description of the application process, and the application form.

LEGISLATIVE AUTHORITY

Section 8 of the Education Act provides that the Minister of Education may grant a Letter of Permission to a school board authorizing the board to employ an individual who is not a member of the Ontario College of Teachers – that is, an individual who is not a teacher – to teach in an elementary or a secondary school for a period not exceeding one year, if the Minister is satisfied that no teacher is available.

The Minister has delegated authority to grant Letters of Permission to the regional managers of the regional offices of the ministry.

Ontario Regulation 142/08 sets out the criteria governing the granting of a Letter of Permission, as well as the application requirements and process. The regulation can be found on the Ontario government website, at www.e-laws.gov.on.ca.

1. In this memorandum, *school board(s)* and *board(s)* refer to district school boards and school authorities.

REQUIREMENTS FOR SCHOOL BOARDS

School boards must make every effort to hire individuals who are members of the Ontario College of Teachers for board teaching positions. Such efforts include reviewing the board list of occasional teachers for potential candidates for vacant positions.

The following requirements apply to school boards that submit applications for Letters of Permission on or after June 30, 2008.

Application Process for a Letter of Permission

To request a Letter of Permission, the director of education or secretary of the board or the supervisory officer of a school authority must submit a completed Application for a Letter of Permission to the appropriate regional office of the ministry.

A school board cannot submit an application until at least the seventh day after the closing date of a competition for a teaching position.

Every application must include a signed declaration from the director of education or secretary of the board or the supervisory officer of the school authority stating that the requirements of the regulation have been met. This declaration must also include confirmation that no teacher applied for the position for which the Letter of Permission is being requested, or, if a teacher did apply, he or she did not accept the position.

Fulfilment of Advertising Requirements

When applying for a Letter of Permission, school boards are required to demonstrate that they have made every effort to reach the largest possible audience of teachers across the province by publicly advertising the vacant teaching position for which the Letter of Permission is being requested.

On the application form, school boards must declare that they have advertised *at least once* the position for which the Letter of Permission is being requested. This advertisement must have been made public in *one* of the following ways:

- The advertisement must have been published in a daily newspaper that has provincial circulation in Ontario (e.g., *The Globe and Mail*, *The National Post*, *Le Droit*) for at least three days, and at least one of those days must have been “within the five days before the closing date of the competition for the position”.
- The advertisement must have been published on a publicly accessible website that is approved by the Minister (that is, www.educationcanada.com, www.applytoeducation.com, www.jobsineducation.com, or www.workopolis.com) for at least ten days, and it must not have been removed before the closing date of the competition for the position.

School boards must declare that every day that the advertisement was publicly available was “within the 30 days before the closing date of the competition for the position”. The advertisement must also have included the following information:

- the closing date of the competition for the position
- details of the position, including the division and the grade to be taught
- the course title and course code for secondary school credit courses
- the duration of employment

In addition, school boards must be able to provide evidence that they have complied with this requirement, if asked to do so by the ministry.

Background Checks

School boards are required to confirm that they have made every effort to ensure student safety. On the application form, they must declare that they have conducted a check of the professional references of the individual they propose to hire under the Letter of Permission, and they must declare that they have collected “a personal criminal history” of this individual, as defined in Ontario Regulation 521/01, “Collection of Personal Information”, made under the Education Act.

On the application form, school boards also must declare that the individual they propose to hire meets the following requirements:

- He or she is eighteen 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 the equivalent.
- He or she is not and has never been a member of the Ontario College of Teachers.
- He or she has given the board a written statement that any teaching 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.

Starting Date and Duration of Employment

School boards must ensure that the anticipated starting date for employment in the position for which they are requesting a Letter of Permission is no later than thirty days after the closing date of the competition for the position. If a Letter of Permission is granted, it is effective as of the starting date of employment in the position.

School boards must also ensure that the duration of employment in a position for which they are requesting a Letter of Permission does not exceed the limit of one year (that is, twelve months) that is set out in the Education Act. Subject to this limit, the ministry may grant a Letter of Permission for a period that extends beyond the end of a school year if the course taught by the individual hired does not conform to the regular school-year calendar.

BOARD REVIEW OF LETTERS OF PERMISSION

Letters of Permission are granted only when a teacher is not available, so it is important that boards regularly review their usage of Letters of Permission. School board staffing committees (or the equivalent) are requested to review and discuss at least once a year the data on Letters of Permission provided by the ministry.

MINISTRY CONTACT

School board officials who have questions about the revised Letter of Permission application process should direct them to their local ministry regional office.

APPLICATION FOR A LETTER OF PERMISSION

On behalf of
(name of school board)

a Letter of Permission is requested in order to employ

.....
(name in full)

to teach in the division
(elementary subject[s] or secondary course title and course code)

at school,

from 20 to 20

Closing date of the competition for the position: 20

DECLARATION

I hereby declare that the school board has complied with Ontario Regulation 142/08, "Letters of Permission", made under the Education Act, and that the following requirements have been met:

- No teacher has applied for the position *or* no teacher who applied for the position has accepted it.
- The board has publicly advertised at least once the position referred to in this application in *one* of the following ways:
 - An advertisement was published in a daily newspaper that has 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.
 - An advertisement was published on a publicly accessible website that is approved by the Minister for at least ten days, and it was not removed before the closing date of the competition for the position.
- Every day that the advertisement appeared was within the thirty days before the closing date of the competition.
- The individual named in this application meets the following requirements:
 - He or she is eighteen 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 the equivalent.
 - He or she is not and has never been a member of the Ontario College of Teachers.
 - He or she has given the board a written statement that any teaching 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.
- The board has conducted the following background checks of the individual named in this application:
 - The board has collected "a personal criminal history", as defined in Ontario Regulation 521/01, "Collection of Personal Information," made under the Education Act.
 - The board has conducted a check of the professional references of the individual, and is satisfied with the results.

In addition, I declare that the board has reviewed its list of occasional teachers, and has not identified an available or willing candidate for the position.

.....
Date Director of education or secretary of the board or supervisory officer of the school authority

FOR MINISTRY USE ONLY

A LETTER OF PERMISSION IS HEREBY GRANTED

Date
.....
(name)
Minister of Education or delegate