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## HEARINGS REGARDING TEACHER TERMINATION

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### 1.0.0 Recommendation of Termination

- 1.1.0 Where a comprehensive performance appraisal conducted under Part X.2 of the *Education Act* results in an unsatisfactory rating after the teacher has been placed on review status as set out in Sections 277.37 and 277.38 of the *Act*, the principal, in consultation with the Director of Education or designate, shall promptly transmit a recommendation in writing to the Board that the teacher's employment with the Board should be terminated.
- 1.2.0 If at any time during the teacher performance appraisal review process the principal and the Director of Education or designate jointly determine that the delay necessitated by conducting the additional mandated performance appraisal during the review process is inconsistent with the protection of the best interests of students, they shall refrain from conducting the appraisal and shall promptly transmit a joint recommendation in writing to the Board that the teacher's employment with the Board should be terminated.
- 1.3.0 The Director of Education may bring a recommendation to the Board for teacher termination, whether or not a performance appraisal process relating to the teacher is being conducted under Part X.2 of the *Education Act*.

### 2.0.0 Provision of Information

- 2.1.0 The recommendation for termination shall be accompanied by the following:
- i. Written reasons for the recommendation; and
  - ii. Copies of all documents relied upon.

### 3.0.0 Procedure at Hearings

- 3.1.0 Notes of the proceedings will be recorded for the purposes of the Board's records.
- 3.2.0 The Director of Education or designate and the teacher or designate shall be given an opportunity to make introductory and closing statements.

- 3.3.0 If the Director of Education considers it necessary to have witnesses appear on behalf of the recommendation, they shall be called to appear prior to the teacher making any representations.
- 3.4.0 Trustees shall ask questions of a witness only after the party calling the witness has completed its presentation.
- 3.5.0 The presentation of the teacher's case shall commence after the Director of Education or designate has presented their evidence.
- 3.6.0 After the teacher's closing statement, the Director of Education or designate shall have an opportunity to respond to information presented by the teacher or designate.
- 3.7.0 Board members will have the opportunity to ask questions of clarification from both parties.
- 3.8.0 No cross-examination of witnesses shall be allowed, unless the Board chair deems it advisable.
- 3.9.0 The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The recording secretary will remain in attendance. The Board may have legal counsel in attendance.
- 3.10.0 If the Board requires additional information or clarification in order to make its decision, both parties to the appeal will be requested to return to the hearing for the required additional information.

#### **4.0.0 Board Decision**

- 4.1.0 The Board, upon receiving a recommendation to terminate a teacher's employment under Part X.2 of the *Education Act* shall determine, based on the competencies provided for in the *Education Act*, whether or not the teacher is performing satisfactorily in the position to which he or she was assigned immediately before any action of the Director of Education to suspend or reassign the teacher, pending the Board's decision.
- 4.2.0 The determination of the Board shall be by majority vote of the members of the Board present at a meeting of the Board at which there is a quorum. In the case of a teacher performance appraisal hearing, the determination must be within 60 days of receiving the recommendation.

- 4.3.0 When the Board determines that the teacher is not performing satisfactorily in the position to which he or she was assigned immediately before any action of the Director of Education, or determines the need to terminate for other reasons, the Board shall terminate the teacher's employment with the Board.
- 4.4.0 Where the Board does not make the determination described above, the suspension or reassignment, as the case may be, shall cease and except where the teacher and the Board agree otherwise, the teacher shall resume his or her former position.
- 5.0.0 Communication of Decision**
- 5.1.0 The Board decision will be communicated to the teacher by telephone and confirmed in writing following the hearing.
- 5.2.0 The Board must also communicate to the Ontario College of Teachers the Board's decision to terminate a teacher's employment.
- 5.3.0 The Board shall promptly provide to any other Board requesting teacher performance appraisal documents all documents relating to termination of the employment of a teacher.

Legal References:

*Education Act S. 277.15 (5) Termination for Other Reasons; Part X.2 S. 277.14 – S. 277.45 Teacher Performance Appraisal*  
*Ontario Regulation 298—Operation of Schools S. 11(3) j Principal's Recommendation*  
*Ontario College of Teachers Act, S. 26*

Reviewed: July 2021