Survival Skills

For

Occasional Teachers

As distributed at T/OT SCOP Meeting, November 2005

Survival Skills for Occasional Teachers

The original Resource Booklet formerly known as "Sub Support", published by the Professional Development Committee, OSSTF, 1988, has been modified and updated by members of the Occasional Teachers' Committee.

The Occasional Teachers' Committee wants to acknowledge the original authors of Sub-Support and thanks the individuals for their significant contributions.

Authors of the original Sub Support

Lorraine Jardine
North Park Collegiate - Vocational School, Brantford
District 5

Jack Shallhorn
Stephen Leacock Collegiate Institute, Scarborough
District 16

Acknowledgments for Sub Support

David Miggiani
Ministry of Education

Larry Rutherford, Penny McKenzie, Susan Malcolm, Irene Heltner, Sharon Bell
Brant County Board of Education

Marjory Smith, Darlene McIntyre
Victoria County Board of Education

Susan Barzo
OSSTF

Foreward

Teachers today work in an evolving and different educational environment due to new legislation, societal changes and challenging curriculum. A revised version of "Sub Support" has been sought for some time and, thus, this project of the Occasional Teachers' Committee. Our goal is not to replace but to update the sound work of our predecessors in the re-publication of this resource booklet to parallel the shifting environment in which teachers work.

This project reflects major realities faced by all organizations: a lack of funding, new demands and the need for novel methods to deal with these challenges. The document proposes to illustrate "best practices" and to provide a practical.

Members of the Occasional Teachers' Committee

John McAllister - Committee Chair, President, OTBU, District 26, Upper Canada

Mary Gardner, President, OTBU, District 18, Upper Grand and Provincial Councillor

Sandy Bass, President, OTBU, District 3, Rainbow
Bob Farrell, President, OTBU, District 7, Bluewater
Sy Golosky - OTBU, District 27, Limestone
Ron Pachal, President, OTBU, District 5A, Northern Shield

Geoff Deleplanque, Executive Assistant, OSSTF
Sherry Rosner, Executive Officer, OSSTF

Terminology: Students refer to the teacher who is assuming the assignment of their regular teachers as "substitutes" or "supplies". Those same teachers often use these nomenclatures as well. However, the Education Act and most collective agreements refer to the expression "occasional teachers" as defined in the Act. Therefore, the expression "Occasional Teacher" will be employed throughout this document.

TABLE OF CONTENTS

1. Introduction: ***So, you want to supply teach?***

2. How This Booklet Can Help You

3. Who Are Occasional Teachers?

4. How Students View Occasional Teachers

5. The Advantages of Occasional Teaching

6. Getting Hired

7. Classroom Management and Discipline

8. Establishing Rapport with the Students

9. You and the law

Chapter 1

Introduction: *So, You Want To Supply Teach!*

Few explorers have set out to conquer the unknown faced with more uncertainty than that faced by an occasional teacher. You may be told at a moment's notice, where you will teach, what you will teach, and who you will teach. Perhaps only the insane could feel comfortable working in such conditions. Fortunately, there are such fool-hardy souls around. No school could run without them. Yet they embrace comedian Rodney Dangerfield as their patron saint because in spite of these difficult working conditions, they "get no respect." Consider the minefield into which you step as you begin your career as an occasional teacher:

- You are young, on a single income, and have no idea whether you'll get enough work to pay the bills.

- You are older and have given up volunteer or sports involvement to be available, yet no routine has taken its place as yet. You simply aren't called to work that often when you are just starting.
- You are a retired teacher, expecting the same satisfaction you enjoyed in the past but find it missing, until you get to know the students.
- After you receive your assignment, the feeling of panic heightens as you scurry to get dressed and out the door.
- You may have trouble even locating the school. Once inside, you'll have to find your way to several classrooms, and no one you ask will know them by number. Then, you will have to find someone with access to keys. Besides, you may not have expected to be teaching English in the Tech room!
- You'll find yourself a little off-balance to discover you're teaching Vocal Music, and you can't even carry a tune.
- You'll find you're a non-entity in the Staff room. No one wants to hear your opinions or have you intrude on their conversation.
- You'll be utterly exhausted at the end of the day, as your body will be in a constant state of tension, ready for the unexpected.
- If this is your first teaching experience, you'll wonder if you've picked the right profession.
- You'll wonder if you're too young or too old to manage the students.
- You'll be afraid to admit to any problems, for fear you won't be called back again.

In summary, the only thing worse than *not* being called, is *being* called.

CHAPTER 2

How This Booklet Can Help you

The mere mention that one is an occasional teacher generates the question, "Are they still giving 'subs' a hard time?" Of course ─ some things never change. Occasional teaching can be thoroughly disorienting and demoralizing ─ but it doesn't need to be. In the Education Act, substitutes are referred to as "occasional teachers"; yet many teach either in casual or long-term assignments as often as some part-time teachers do. This booklet offers suggestions to classroom teachers, members who hold Positions of Added Responsibility, administrators and school boards on how they can best help the occasional teacher to become more effective. This booklet provides survival skills that will help the occasional teacher not only meet the challenge but also enjoy the experience.

If you are an Occasional Teacher:

- Your self-esteem may be battered at first. You are in a new setting, with new faces, trying to establish yourself, without knowing what kind of back-up to expect from the administration. This booklet can be your life-line.

- You don't really belong anywhere yet. Since your job is occasional, the situations you are experiencing are quite different from those of regular teachers. Like any other support group, this booklet will put you in touch with others facing similar problems.

- This booklet won't provide all the answers, but it will at least highlight some of the problems you are likely to encounter and suggest some possible solutions.

If you are the absent Teacher this booklet will help you:

- Learn what kind of lessons best lend themselves to your absence.
- Learn what type of instructions would be most helpful for the occasional teacher.
- Learn how to prepare your students for a change in leadership.
- Learn why follow-up with disruptive students is a necessity.
- Become aware that through clear instructions, the occasional teacher can move ahead in the subject matter you've requested.
- Learn that with a well prepared occasional teacher, you won't have to waste time getting your students back into line.
- Leave a clear seating plan on the desk and a class list.
- Leave clear instructions and ask the occasional teacher to make notes on certain situations and the progress achieved on that day.

If you are a Department Head, this booklet will help you:

- Become aware of typical problems faced by occasional teachers so that you can lend any department support that would be helpful.
- Discover how you can best provide support while occasional teachers are becoming "known".
- Realize that although occasional teachers might be highly qualified in their own subject area, they might feel very ill at ease with the subject matter assigned.

- Learn to communicate with occasional teachers to ensure that they understand what lesson is to be taught.

If you are a Full-Time Teacher, this booklet will help you:

- Learn to include the occasional teacher.
- Learn that because they are not tied to the classroom every day, and homework at night, occasional teachers often take part in interesting activities outside the school setting.
- Realize that with more time to read books and newspapers, occasional teachers may have an interesting viewpoint.
- Learn to open up the lines of communication. There are many things about the school that are initially confusing to an occasional teacher.
- Provide assistance. You may have an effective strategy for the very behaviour that is causing them problems. And you can be sure they're struggling if they're new!

Most students don't really like to waste the day; they find it boring. Good occasional teachers keep students on task. They provide fresh approaches to a subject. Students spend many hours with occasional teachers over their career.

CHAPTER 3

Who Are Occasional Teachers?

A teacher is a teacher is a teacher! They possess a Certificate of Qualification issued by the Ontario College of Teachers. In the Education Act, a teacher is defined as

a person employed as a teacher, whether full-time or part-time, permanent or probationary, continuing education, or occasional.

Their duty in a school is to assume the assignment of the teacher they are replacing. Individuals without recognized teaching qualifications are also found in the ranks of occasional teachers. They are usually recruited to teach in special areas in which it is difficult to recruit qualified occasional teachers ─ technical and business programs, for example.

Regulation 298 of the Education Act does stipulate that

where no teacher is available, a board may appoint, subject to section 22, a person who is not a teacher or a temporary teacher.

Occasional Teachers are those whose names are placed on the Board's Occasional Teachers' List.

- The average student can expect to work with occasional teachers for a combined total of 7 to 10 instructional days in a school year.
- This means that in one large urban board in Ontario, employing approximately 2000 teachers, occasional teachers taught the equivalent work load of 100 full-time secondary teachers in one year.
- There is no single type. They reflect a wide range of experience and backgrounds.
- They include many young graduates of Faculties of Education, waiting for a full-time teaching position.
- At the other end of the spectrum are retired teachers who choose to stay in the classroom.
- There are also many experienced teachers who have chosen to leave full-time teaching positions but wish to remain within the educational system as occasional teachers. These are individuals who have made a commitment to this type of teaching.

A Unique View of the System:

By the very nature of their work experience, occasional teachers can provide a great deal of insight into our educational system. Most other educators ─ board officials, principals, classroom teachers ─ may have somewhat limited perspectives; they are familiar with one subject area, one area of responsibility, one school. The experienced and well-traveled occasional teacher acquires a wider perspective, a sort of bird's-eye view of the system. They have a type of "freedom" within the system which makes them unique and allows them to judge the value placed on education by what they observe. They are not isolated from the system around them, as are most other educators.

Thus, they can provide us with insightful commentary and analysis. They know which administrators offer firm disciplinary support. They know the quality of the teachers in the

system. They hear what the teachers really think of the way the schools are run. They know whether morale is high among both staff and students in the schools.

The Evolving Professional:

The rights and duties of Occasional Teachers today are recognized in all districts by the terms and conditions of separate or harmonized collective agreements including such areas as workload, benefits, remuneration, grievance procedure, leaves and sick days.

CHAPTER 4

How Students View Occasional Teachers

Our students can provide us with some interesting (and very subjective, of course) insights into occasional teachers. Here are some impressions of occasional teachers gathered from a group of senior students.

How Students Describe Effective Occasional Teachers

- ones that actually teach
- pretty quick upstairs
- able to relate to age group they're teaching
- confident, not suspicious of students' motives
- good knowledge of English
- look presentable
- sense of humour
- not too nervous/uptight
- don't try too hard to be one of the students
- don't try too hard to maintain strict control
- can laugh at themselves
- know what they're talking about/know their subject
- don't force ideas on students
- aren't obnoxious and cynical
- understand and have a genuine interest in teens
- have control over class but don't have a forceful nature
- can be humourous and serious
- don't anticipate the worst
- create a relaxed atmosphere
- show enthusiasm and works with students
- no stupid jokes
- don't have a forceful nature
- aren't two-faced
- not prejudiced
- write their name on board
- must not yell because it makes us rebel
- must not patronize or be condescending
- are prepared for class and follow instructions
- are firm with everyone
- not scared of class
- don't use threats
- look confident
- pronounce last names properly
- show respect for students/school regulations/rules
- patient

If Students Were Occasional Teachers, the First Thing They'd Do...

- crack a joke
- introduce myself
- be easy going
- explain circumstances of my being there
- be friendly ─ don't set a negative attitude
- explain the plan for the day/period but no lectures
- show up two minutes late ─ make class wait so they don't run away
- talk about myself
- be easygoing but firm
- get everyone's attention
- do something out of the ordinary (e.g. class participation)
- sit back and study them (the class)
- have a conversation with the class
- show them who's the boss, in a respectful way
- figure out who the troublemakers are
- write my name in big letters on the board
- lay down the law
- make a good impression in the first five minutes or the rest of the class will be aweful!

Students Hate It When Occasional Teachers...

- say "I'll send you to the office"
- talk to us when we're supposed to be working
- ramble on about their past
- let students take control
- insult the class
- say they're going to "tell on you"
- treat students like babies
- act like "king of the hill" or defensively
- write bad notes to the regular teacher
- tell kids to write their name on a paper if they're acting up
- tell kids to sit in their regular seats
- ask what the work is for that period
- threaten to keep you after school
- try to be your regular teacher
- don't let students go to the washroom
- hang over you when you're working
- when you ask a question and they say "figure it out for yourself"
- when you need some equipment and they won't find it
- when they are too strict and don't let you do things the regular teacher allows
- when they say "you're the worst class I have ever supplied for"
- talk about their personal problems and family
- tell bad jokes
- don't listen to students' advice
- say "this class is rowdy" when it is obvious
- lecture class on personal hygiene
- say "quiet... please"

Tricks Students Play on Occasional Teachers...

- Change time on clocks
- using different names
- signing in for other students
- drawing caricature of supply on board
- mimicking behind their back
- making excuses to be dismissed ─ guidance appointment, etc.
- faking attendance
- switching seats
- shoot elastics
- hiding chalk
- throwing things ─ paper, spitballs, chalk, etc.
- coughing at five second intervals

CHAPTER 5

The Advantages of Occasional Teaching

In spite of the well-known disadvantages of occasional teaching, there are many reasons why people choose this option.

- Occasional teaching can be very rewarding if you enjoy teenagers. Don't make a final decision until you've given yourself enough time to get to know the students.
- Occasional teaching is interesting and challenging work, and offers the chance to exercise knowledge and creativity.
- It's a good route for someone seeking a full-time position. It "opens the door", and lets administrators see what you can do.
- Occasional teaching provides the opportunity to experiment with different teaching strategies.
- Because of the flexible time schedule, occasional teaching is a good choice for someone with school-age children. Daily hours and holidays will be the same, and if there is sickness or a family emergency, the occasional teacher can choose not to work.
- The job is finished each day when school is over. With no preparation, more time is left for the occasional teacher's other interests. Obviously, this does not apply to occasional teachers on long-term assignments.
- Occasional teaching provides freedom rather than security. Being locked into a contract may prevent you from taking holidays with your spouse, for instance.
- The daily wage is higher than that of most other part-time work.

Here's how one occasional describes the profession:

"I love substituting. At first I was paranoid of kids with strange names and odd looks. I mean spiked hair and chains aren't a part of my usual social scene. But I came to realize that people are all the same, just dressed in different clothes. There still are the bubbly kids, the complainers, the joiners, the loners, the athletes, the musicians. In fact, now that I know I can handle them, I think I enjoy the "characters" the most. I remember one student complete with black leather jacket, three day's stubble, heavy black boots, and several chains from ear to shoulder. He was late, he told me, because he was thrown from a moving car at lunch. He continued with outrageous stories about being evicted from several apartments, trying the Mensa exam, watching a stabbing, and cutting a "heavy metal" record. I have no idea how much of it was true, but he had a real sparkle in his eye, and was fun to have in class. Somehow these types challenge me to examine what is important in life, so I find meeting up with them rather refreshing.

I'm rarely bored. I usually have something interesting packed in my briefcase, and I know I can always get something new in the school library. And if I'm getting burnt out, I stay at home, or take the day to go shopping, or to an art gallery. It's nice to have the choice.

And I'm sure learning a lot. Last year I taught in fourteen different departments at four different schools. I learned a little about a lot of things I never would have explored on my own... about the

effect of the Ice Age on North America, the business of rock music, a typical day in the life of a South East Asian family, and transportation of the future. I even had a chance to brush up on my French again, and play the trumpet, which I haven't touched since high school. I feel like I'm the Trivial Pursuit Champion of the world. At this point I'm not looking for a full-time job. I really enjoy being an occasional teacher!"

CHAPTER 6

Getting Hired

Getting your name on the Supply List can be an involved process. Call the Personnel Department at your local Board of Education *or the Occasional Teacher Bargaining Unit of your District* to find out the proper procedure for your district.

The Ontario College of Teachers

Certification to Teach
Ontario College of Teachers
121 Bloor Street East, 6th Floor
Toronto, Ontario
M4W 3M5

Tel: 416 - 961 - 8800
Fax: 416 - 961 - 8822
Toll Free: 1 - 888 - 534 - 2222
email: www.oct.on.ca

Certification for Salary

Evaluator, Certification Department,
OSSTF/*FEESO*
60 Mobile Drive,
Toronto, Ontario
M4A 2P3

Phone (416) 751-8300
Toll-free: 1-800-267-7277
Fax: 416-751-0910

Transcripts

Official transcripts of your degrees will certainly be needed. Usually these must be applied for in writing, and there is often a small fee involved. *If possible,* have them sent to you rather than directly to the *College of Teachers*, so that you will know what information may be outstanding.

After collecting all your documents, make copies of everything for yourself. Then send your packet of actual documents issued by the university (not photocopies) to the *College of Teachers.* (Take them in person if possible).

Contact your local OSSTF President for information on:

1. The reputation of the schools.
2. The administrative support.
3. The daily rate of pay.
4. The availability of work. Ask around, but also obtain a copy of the collective agreement and if in place, the occasional teacher's collective agreement from the local OSSTF office, to discover the provision for occasional teachers within the board.
5. If you want the job to lead to a full-time position, consider whether the Board is hiring full-time teachers.

How Often Do You Want To Teach?

Options to Consider

One subject, one school

You'll be called occasionally.

One subject, many schools

You'll be called a little more often.

You'll see many different approaches to your subject area.

You'll sort out which school you feel most comfortable in.

Many subjects, one school

You'll be called several times a week after you become established.

You'll get to know the students as you teach them Geography one day, Math the next and so on. After a couple of weeks, there will be one student in each class whom you've met before. *They'll* spread the word about what you expect.

You'll know you're getting acclimated when you're expecting to teach History, and at 8:45, they need you more in Music - and your heart doesn't skip a beat.

This is a good option to consider if you want to feel you are part of a staff, or you are hoping for a full-time job.

Many schools, all subjects

This is a good option when you want to work as often as possible. It's a good way to decide what school has the right atmosphere for a full-time position.

You'll make many contacts with people to help you in your career.

Summary

You should generally be available at least three days a week, but your chances of getting work are better the more you are available on a full-time basis. Whether you choose one school or many, your own subject or many, it is best to be available as often as possible at first, both to build up your confidence, and to get established. Of course, if child-care presents a problem or you have another part-time job, you may have different priorities. Remember you can always turn down an assignment when it is offered.

According to the latest OSSTF data, based on dues' submission whether for one day worked or more days worked, September is the lightest month. October-February, as a block are about the same and represent an increase of about 58% over September. March through June as a block is consistent and represent a 90% increase over October through February and a 200% increase over September.

Waiting

Patience is "idling your motor when you feel like stripping your gears". Write that out and put it by your phone as you wait for a call to work. Naturally they first call teachers they have confidence in from the previous year. If you aren't getting work, call or go in person to let them know you are still interested.

The Call

You may get called in advance if there is a certain day when a large group of teachers will be taking in-service training. More likely, advance notice will mean the night before. But the majority of calls will come around seven in the morning. Have a pad and pen ready so that you can sound alert even though you've just woken up. Try to sound enthusiastic even if it's not an exciting assignment - remember, they have to know how wonderful you are before you can start calling the shots.

Follow up

At the end of your first day, make a point of seeing your vice-principal or principal (or calling the dispatcher), to let them know you look forward to another day of work. (Remember the first day is the worst - and it's over now.) That way you are registering as a person, not just as a name on the Occasional Teachers List. If the reception seems positive, ask if there are any days in the near future when they already know they will need a substitute. Tell them you'll look forward to hearing from them. (It will get better.)

Long Term Assignments

Short-term/casual assignments are usually one day or two at the most, unless a teacher has a serious illness.

You have to be a known quantity before you will be seriously considered for long-term/extended assignments where you teach the same classes for many consecutive days. Depending on the collective agreement, long-term assignments are usually for a minimum of five to fifteen days. In most cases, the board is aware that the teacher will be absent and hires accordingly for a month, three months, a semester, or even a year. Then an interview procedure is established to fill that vacancy. Be sure to let school personnel know that you would be interested in long-term

employment so that they keep you informed if vacancies occur. Also ask the school secretary where vacancies are posted in the school.

Even if you have a week's assignment, there will be preparation involved, but preparation time is compensated for in long-term assignments. At that point you move from a daily rate to the salary scale for regular classroom teachers. If you are considering this type of work at any time in the future, be sure to ask your previous employer for your Record of Teaching Experience, and present it to the Personnel Department. That way you can be paid according to your years of experience. As well, send the following documents to OSSTF:

Check the collective agreement to see how long you need to teach to accumulate experience that will change your grid position.

CHAPTER 7

Classroom Management and Discipline

Schools do no exist in isolation. They mirror societal changes and shape the values, beliefs and attitudes of the students. Contemporary schools must deal with an expanding array of social problems. As a result, schools have become institutions providing broad social services as well as centres for learning traditional academic subjects.

Today's youth have very different life experiences than we had as teenagers. If society is different today, then the roles of the schools and the Occasional Teachers must also be different. We must reassess what we are teaching, how we are teaching it and provide a secure climate to teach it in. Research suggests that the best learning environment is one in which rules and expectations are clearly understood and consistently applied. Security, acceptance and predictability are the cornerstones of the learning process. In creating a positive learning environment, occasional teachers must establish conditions which maximize opportunities for all students by establishing rules, developing responsibility and encouraging excellence.

Classroom discipline is defined as "the business of enforcing classroom standards and building patterns of cooperation in order to maximize learning and minimize disruption". The way an occasional teacher manages a classroom will determine how much time is spent learning and how much time is spent handling disruptive or inappropriate behaviour. It is essential that occasional teachers have options that allow them to deal with a wide range of behaviour situations.

A Behaviour Management Plan

- Begin classes on time.
- Be prepared: Many students complete their assignments before the period ends. Have a variety of learning material available that the students would enjoy. Build self-esteem.
- Make a seating plan to learn students' names.
- Be courteous.
- Give special attention for those who appear in need.
- Let students know what is expected of them in the classroom.
- Praise students when appropriate.
- Create situations in which students can experience success.
- Never ridicule or embarrass students.
- Assertion controls and dissipates aggression.
- Do not argue with students.
- Maintain constant, clear ground rules and state them in a positive way.
- Stop misbehaviour before it gets out of hand.
- A light-hearted response can often defuse tense situations.
- If you are firm, fair and honest with students, whey will come to your rescue.
- If unacceptable behaviour is widespread, concentrate on the ringleader. If you can win him/her over, others will follow.
- Do not cause the student to feel stupid.
- Do not make the student feel powerless.
- Do not make the student feel guilty and ashamed.

CHAPTER 8

Establishing Rapport with the Students

Before the Bell

Often the most challenging part of your day as an occasional teacher is before the bell rings at the beginning of the class. Be kind to yourself; give yourself lots of time to find the key, find the room, and find the work before the students arrive. The message then is "this is my space for the day. I am in charge of this space." The students then enter your space.

Sometimes, however, you will not be able to get to the room before the students. (Nobody told you that Portable 6 is behind Portable 11 on the far side of the parking lot.) When you finally enter the classroom, breathe deeply, move slowly. If you look frazzled, you don't look like you are in control.

You might start by saying "My apologies for being late. Please take your seats. I will start the class in three minutes." Most students are happy to sit and chat until you are ready. Hopefully, you will find the material you need in an obvious place and you will be ready to begin before the class loses interest.

Actors know the important message that a character's costume sends to the audience even before they say their first word. If the message you want to send is that you are the adult in charge, it is a good idea not to dress in the same way as the students.

Introductions

We all experience some level of anxiety when we encounter an unknown situation. The students will want to know where their 'real' teacher is.

You might start with something like "Ms. Jones is attending meetings today, but she will stop in the school at the end of the day to pick up your assignments and she will be back tomorrow. I'm Mr. Smith and I am a Science teacher. I do have some knowledge of the topic we are studying today."

There are many ways to find out who your students are

- You may find that you can best get to know the students' names and take attendance by reading out the class list. "Raise your hand when I call your name. Let me know if you are called a name other than the one on my list, and I'm sure I'll need some help with pronunciations." As they respond, try to establish eye contact with each student.
- If you are fortunate enough to find a seating plan, you may find it easier to take attendance using this.
- A seating plan with photos is a precious gift to an occasional teacher. With it, you can convince your charges that you can read minds. Just make sure you transfer the information to the official attendance forms that you send to the school office.

If you have a long oral lesson to present**,** you may not want to spend five minutes of prime teaching time going through the class list. There are other ways to take attendance:

- as they are working on assignments, move from student to student, checking off names.
- quickly draw a free-hand grid on a piece of paper and pass or take it around so that students can add their name to this seating plan.

The advantage of these methods is that you will be moving among the students as they do their written work, helping them stay on task. However, in a class where the students need a lot of individual help, you may not have time for both tasks.

Getting Started on an Assignment

A lesson plan that consists of 'Read Chapter 6 and answer questions 1-10' often presents a hard grind for an occasional teacher. We may encounter hard-working senior students who will welcome the opportunity to get ahead with their homework, but many classes will need all your skills to get them — and keep them — focused.

Remember that some students may feel anxious about their ability to understand the assignment or to have the knowledge to complete it. The fear of being embarrassed in front of their classmates may make them behave in unacceptable ways. You want to send the message that you are the professional in charge, but also that you are friendly and respectful of the students and pleased to help them with their work and that, with the students' co-operation, the class will be a pleasant experience for everyone.

Hopefully, you have had time to read over the instructions, to locate the questions to be answered and at least skim the reading assignment to make sure the answers are there. If not, you may be wise to explain and assign just the first step, get the class settled into that task, and then talk about and assign the rest when you feel you understand it.

Present the assignment by writing the instructions on the board or handing out the copied sheets, then explaining the instructions to the class and asking for questions. For your information, and perhaps to make the students feel more comfortable, you may want to ask them some questions about what they have recently learned on this topic in class.

Let them know when the assignment is due. If there is no deadline, and it seems appropriate, you may wish to tell them that all work is due at the end of class. Of course, this does suggest that you will look over the papers and put a check mark here and there.

Getting the students settled into the task is the biggest challenge.

You might try one of these approaches:

- "Some people find it difficult to read when there is talking in the room. This will be a talk-free zone for 10 minutes to give everyone a chance to get the reading done." Often, once the students become engaged in the work, the quiet will extend beyond the ten minutes.
- "I will give you until 9:30 to write the answers to the first three questions. Then we will do questions 4 and 5 together." This divides the work into manageable parts and gives a time line.
- "At 10 o'clock I will collect what you have finished, and then we will move on to something else." Again, this gives a time line and lets the students know that someone is interested in how they are doing.

In the first few minutes after the students are given an assignment, it is crucial that you give the job of getting them settled your full attention. This is **not** the time to do the attendance, fill out other paperwork, or even go looking for a student's lost work. Most students will understand if you ask them to wait for five minutes for your help with something like this. There is never a time when you are with a class to settle back with the morning newspaper.

If someone needs a text book, see if the teacher has left an extra copy, or let the student go to her locker. (Make sure you know her name.) By the time she returns, everyone else will be settled down. If she doesn't return promptly, make sure to call the office as a concerned teacher, to report her disappearance.

If a student needs a pencil or paper, he can usually borrow from a neighbour. Many occasional teachers stock their briefcases with such supplies. They find this effort well rewarded by a smoothly running class.

Once the class becomes generally focussed on the task, then turn your attention to those students who may need special help.

If the student is a 'talker', **you have a number of options**:

- see if making eye contact will get him settled down.
- if not, try standing beside him while he does his work. Tell his audience that he has work to do. Moving him away from his audience might help, but first let the student know that this will be the consequence of his behaviour.
- make a contract with him about how much to accomplish by the end of the period.

If the student has a short attention span and just can't sit still, see if the information sheet left by the teacher indicates a learning problem. Set smaller goals for the student. Find ways for her to take a break.

If the student seems to be making several false starts on the problem, before too long, he will have the paper crumpled, ready to lob into the basket. Obviously, he has trouble with the assignment. First, check if he has understood the task. Perhaps he has misread the instructions and thinks the task is much too difficult for him. If the assignment deals with a long reading passage, the student who is a poor reader may need extra help, but may not ask for it. Once you find out where the problem lies, it may be a simple thing to help him be successful.

If the student is a 'sleeper', encourage her to get started. Tell her you want to see what she has accomplished by the end of the period. If she is the confrontational type, it may be better to ignore her than risk upheaval. At least she is not disrupting the class, and she may have problems of which you are unaware.

Sometimes a conflict between two students prevents them from doing their work. If, in your good judgment, this situation looks like it is moving toward becoming a classroom safety issue, call upon an administrator to remove them from class. Make sure that you know where the phone or intercom is located in each room you visit and that you know the buttons to push to reach emergency help.

If the student puts on a "head-set" to do his assignment, and the teacher has left no specific instructions, decide if it would be a help or a hindrance. If it would keep a disruptive student from bothering others, it may work to the class's advantage. Ensure that he sets the volumes low enough that only he can hear it.

Remember that the most important factor in establishing rapport with the students and getting them to complete their assignment is to be approachable and enthusiastic. The students have to want to work for you and need to realize that when you give them a direction or instruction, you expect to be obeyed.

Group Work

Here the occasional teacher is at a disadvantage because you don't know which students work well together. You are wise to keep the groups small and provide as much physical space between the groups as possible. By assigning various positions within the group, you can help each student to become involved in the process. Asking for a brief oral report on their progress after half an hour may help the discussion to stay on topic.

If part of your assignment is to place the students in their groups, you could try the old-fashioned method of starting at one side of the room and 'numbering off'. Some occasional teachers carry with them as part of their survival kit a set of small numbered cards. These can be used in many situations where a random selection must be made. Letting the students choose their own groups works well with some classes, but be on the alert for the poor soul whom nobody wants in their group.

Supervising a Test

When administering a test, you need some special procedures. Space the students around the room, with all books under their desks, and give them clear instructions and expectations:

- remind them that there should be no talking at all.
- if they encounter any difficulty, they are to ask for your help rather than a neighbour.
- any deviation from this policy will result in their test being removed.
- when finished, turn their test over on their desk and go quietly to other work.

During the test, walk amongst the students, or watch the class from the back of the room.

Taking the Class to the Library

As an occasional teacher, you will be required to take a class to the school library from time to time, which may present a challenging situation. As your students mix with the other students using the library, how do you recognize them, and how do you make sure they are all there? Here are a few suggestions:

Travel together as a group to the library and ask the students to wait just inside the door for further instructions.

If working with a senior class, ask them to find you five minutes before the end of the period and add their signature to a list which also includes a short summary of what they worked on during the class.

Oral Lesson

Here you have the advantage over the regular teacher. Because you are a novelty, you may be able to keep their attention longer. If you have a lot of material to cover, you might consider dividing it into two or three parts, with other activities in between.

A well-run discussion can be great. Try not to insert your opinion too often.

If you are teaching an algebra course and math is not your subject, call upon one of the more able students in the class to work out a question on the board, explaining her procedure to her classmates.

If the class you are teaching is "too cool" to answer questions, don't plead with them to put up their hands. A 10-minute lecture-style presentation of the material in which you do all the talking will be much more interesting and better paced than an oral lesson where you keep waiting for answers that never come.

Working with disruptive students during a lesson.

Whereas you cannot force a student to answer questions in an oral lesson, you can insist that he does not talk or otherwise disrupt the class when you or a classmate is talking. How you handle such a student depends on the circumstances and your own style, but never threaten a consequence that you are not prepared to impose. Putting a student into a situation where in order to comply with your wishes he feels he will belittle himself in front of his classmates is never a good idea. A light approach and a bit of humour will often get the student on side more effectively. It really helps if you have learned his name. Give the student a graceful way to comply, and he just might see reason.

- "This meeting has been called to order. Johnny, please take your place so that we can proceed with today's agenda."
- "Suzie, I'm really looking forward to hearing your ideas on this topic, but right now Sally is speaking. It will be your turn next."

Then there are the students whose behaviour is just plain unacceptable, those who have a classmate in a stranglehold when you walk into the room, or whose language burns your ears. Once in a while your only option is to send the offending student to the office. This can be tricky if the student decides not to go quietly. Things might go more smoothly if you first ask the student to step into the hall, and then give him his marching orders. You really should know the name of the student that you are putting out, and you should immediately contact the office to let them know the student is coming.

Nothing to Do **Yes, all my work is finished.**
No, I don't have any other homework.
No, I don't have a book to read.

Sometimes the most we can do is persuade this student to sit quietly and let the others get on with their work. However, you might try these suggestions.

- Sit down with this student and go over the work she has finished. If the work is well done, she might be interested in helping another student who is struggling with the assignment.
- Carry with you copies of:
    - high interest/easy read short stories.
    - photocopies of puzzles, word-search or other mind games.
    - photocopies of quizzes from magazines, the kind that determine whether you are an extrovert or an introvert, or the characteristics of your perfect mate.

Leaving the Room

Washroom

Washroom breaks are given at the discretion of the occasional teacher and may be cancelled completely if abused. Students ask to be excused more often when they are being taught by an occasional teacher than when their regular teacher is present. It is more difficult for an occasional teacher to keep track of students moving in and out of the classroom than it is for the teacher who sees them every day.

However, before you adopt a "no break" policy, there are other arguments that you should consider. Today's students are very aware of their rights as individuals and may very well protest such a rule. You do not know these students or their needs; your refusal could lead to embarrassment for everyone.

Here are a few ways that you can respond positively to "May I go to the washroom?" and still keep things running smoothly in the classroom.

- Be certain to take attendance and explain the assignment before anyone leaves.
- Ask to see the work they have accomplished. If they have produced very little, perhaps they need help in getting started. You might even feel comfortable asking them to finish the first answer before they go to the washroom.
- Allow only one student to leave at a time, or your class will soon be wandering the halls together.
- A "sign-out" sheet is essential. It should list: name, homeroom, destination, time out and time in. Remind them that you expect them back in a reasonable time (five minutes, for instance) and after that you will be filing a "missing person's report" with the office. And then do it. When the students hear you call the office, future excursions will be nipped in the bud.

Locker

Most of the same considerations apply to students' requests to go to their lockers. Often the things they need can be borrowed from a classmate. (Carrying a small packet of tissues in your briefcase might be a good investment.)

Do not allow a student to get something from her locker for someone who appears at the door. Simply say that she will not be available to help them until after class.

Library

If individual students ask permission to go to the library to get a free reading book for English or information for a project and the regular teacher has left no instructions, rely on your highly-developed teacher instincts to decide if you will say yes.

If you decide to give the students permission, be sure they "sign out" and know when they are expected to return to class.

Special Education Resource Centre

Some students are regularly go to the Special Education facilities to work on assignments. Hopefully, the regular teacher will have left you a note indicating a student's need to either be withdrawn from the class or to have a resource person come into the class.

Students Who Arrive Late

If a student arrives late, tell her to take her usual seat and carry on with the lesson. Tell the student privately that you will be leaving a note for the regular teacher regarding the late arrival. Then explain the assignment if she has missed that part of the class and stand by the student until the work begins. If the student is more than twenty minutes late with no "admit slip", ask her to report to the attendance office to get one. Always make sure that you are being consistent with the school's policy for lateness.

Dismissing the Class

As the end of the period approaches, you may sense a certain restlessness among your charges. Make sure that you know to the exact minute when the bell will ring; you can be sure the students do. Sometimes the wall clock is ahead or behind the bell system. You, as a truly astute occasional teacher, noticed this when the bell went to start the class and will time your count-down accordingly.

If the door has been open during the class, close it now. Insist that the students stay sitting in their own desks until the bell goes. They may be in the habit of lining up at the door before the bell, but this is not a good idea for an occasional teacher who will not be there the next day to reprimand any who "escape".

Remind students to make sure that their names are on any work that they are handing in. Either ask them to pass their work forward or assign a couple of the more restless students to collect all the papers.

If the class has been working well and they need extra time, you might amend the due-date to the start of the next class, providing that the teacher has not given other specific instructions. Remind the students to copy the assignment from the board.

Ask the students to clean up any garbage around or in their desks and deposit it in the waste container on their way out.

There are many ways to fill that last minute or two after everything is done. You may find it a good time to talk about the school's rugby team's success this season or the rock video you saw on television last night. You may be more comfortable if they chat quietly among themselves. Like any good host, wish the departing students a good day, addressing as many as you can by name.

Home Room

Home room may take place at different times in different schools and it may be with students you teach or a class that you see only briefly. No matter which, the challenge remains the same – to get through everything expected of you in record time.

Ask a student to distribute the various notes sent from the office to students in the class.

If there are written announcements, ask one student to check off the ones appropriate for the class. These should be read to the class, either by you or one of the students.

If there are announcements over the P.A., you may have to remind the class that the room must be quiet enough so that everyone can hear them. This may require your full attention and other "bookkeeping" duties may have to wait until later. You will also want to make it clear by your example that one stands still and silent for the national anthem.

Your most important homeroom duty is to record attendance. If this class is staying with you for a subject period, there is less time pressure, but if they are with you for only ten minutes, you may wish to start checking off names as the students enter the room before the bell rings.

Working with Different Ages and Course Designations

Learn to vary your approach based on the grade and course designation level of the class:

Grades 9 and 10

- usually very active and need a variety of activities within the period.
- generally need a more structured class; work best using worksheets or specific questions
- group-work needs to be closely monitored, with groups not larger than four people.
- need a chance to move and talk as part of the assignment, or else a short break after intensive work.

Discipline

Discipline is essential to success in occasional teaching.

- Be firm, without developing a siege mentality. A sense of humour can be one of your most effective control techniques.
- Be consistent and fair; make sure the same rules apply to all students.
- If you see a trouble-maker from a previous class, talk to him as he enters the class and let him know that you are expecting good behaviour.
- Learn to deal with disruptive students on your own if possible. A build-up of minor problems could be dealt with during a teacher-student conference at lunch or after school.

Although this may seem a lot to ask of an occasional teacher, it will quickly establish your reputation with both students and administrators. If the student chooses not to come, then be sure to enlist the help of the Vice-Principal.

- Realize that sometimes a difficult class isn't your fault. Perhaps the assignment is too difficult, or the problem student is having trouble in other classes as well, or perhaps it's just a collection of very difficult kids.

Effective discipline is essential in establishing rapport with students.

If you are in control, you are on your way to becoming an effective occasional teacher.

CHAPTER 9

You and the Law

It is important for individuals to understand this chapter tries to outline fairly the entitlements and obligations that we share as members of OSSTF.

For example, the law, by recognizing a member's legal rights, may impose a legal duty on another member. It is the overall apportionment of rights, duties, and powers that makes up our education law.

This chapter is not intended to give tailored legal advice, but rather to provide a brief outline of education law.

Members are advised to refer to their local District Representatives or Provincial Office for proper interpretation of Legislative Law and OSSTF Bylaws.

Law Affecting the Educational Workplace

- Criminal Code of Canada
- Civil Law
- Ontario College of Teachers Act
- Ontario Health and Safety Act
- Education Act
- Teaching Profession Act
- Freedom of Information Act
- Workplace Safety and Insurance Act (WSIB)
- Ontario Human Rights Code
- Copyright Act
- Ontario Student Records Guideline
- Ontario Health Protection and Promotion Act.
- Ontario Labour Relations Act
- Workplace Hazardous Materials Information (WHMIS)
- Teacher Pension Plan Act
- Child and Family Services Act
- Young Offenders Act
- Canadian Charter of Rights and Freedoms
- Constitution Act
- Immunization of Pupils Act
- Trespass to Property Act

Liabilities Facing Educational Workers

- Exposure to litigation and liability
- Criminal liability
- Civil liability
- Employment liability
- Professional liability
- Human rights liability

Criminal Record Check

Who needs a criminal record check?

All teachers are required to provide a "criminal background check ". A document issued by a police service within the past 6 months, from the CPIC (Canadian Police Information Center).

Because all employees are covered by the legislation, including emergency unqualified occasional teachers, school boards will no longer be able to hire someone on the spur of the moment but instead draw from a list with CPIC checks on file.

Offence Declaration Forms

This form is used to declare any convictions since your last Criminal Record Check.

- An offence declaration may be required at time of hire.
- Every employee must complete an offence declaration each September 1st.
- Itinerant employees such as occasional teachers are deemed centrally employed so they are not required to fill in a new declaration at each school.
- Members should declare only new Criminal Code convictions since the last CPIC check collected by the Board or the OCT (Ontario College of Teachers).
- For more detailed information or if you have a conviction to declare please contact your local OSSTF District Office.
- Some boards have arranged for bulk payment with the Ontario Provincial Police for existing employees (check with your employer).
- Cost of $25 - $50 for new employees and those needing a follow up check. (Positive hits)

Storage and Retention of Information

Records are subject to the Municipal Freedom of Information and Protection of Privacy Act and thus must be stored confidentially by the employer.

Positive Criminal Records Reports

Regulation does not specify what employers are to do with a positive criminal record.

- Any discipline is left up to the school board and subject to the grievance/arbitration system.
- Positive criminal records may be reported to the Ontario College of Teachers.
- At any discipline hearing, you should have OSSTF representation.

The Safe Schools Act

The Safe Schools Act and the Right to Suspend

In June 2000, the Ontario government passed Bill 81, The Safe Schools Act. It gives the teacher the right to suspend students.

OSSTF strongly urges its teachers NOT to exercise their right to suspend, but rather refer all cases to the principal or vice-principal.

Suspension of Pupils

As of September 1, 2001, the suspension and expulsion provisions of Bill 81 came into force.

- A teacher who sees a student committing an infraction on the mandatory suspension list must either suspend the student for one day or refer the student to the principal.
- A teacher may also levy a discretionary suspension with criteria set by board policy.

Mandatory Suspension List

- Uttering a threat to inflict serious bodily harm on another person.
- Being under the influence of alcohol.
- Possessing alcohol or illegal drugs.
- Committing an act of vandalism that causes extensive damage.
- Swearing at a teacher or other person in position of authority.

However, the regulations say that these suspensions are not mandatory if the pupil does not have the ability to control his or her behavior, can't understand the consequences, or if the pupil's continuing presence in the school does not create an unacceptable risk to the safety or well being of any person.

Decisions to suspend must therefore be referred to administration.

Search and Seizure

The search, and the decision to conduct it should, in all but extreme emergency situations, be the responsibility of the administration or the police. **IF IN ANY DOUBT CONTACT YOUR FEDERATION OFFICE**

Discipline and Assault

Legal Duties of Teachers

Common law imposes on teachers the obligation to exercise reasonable care in protecting students from risk of harm "in loco parentis".

Education Act and Regulation 298

It is the duty of a teacher to maintain, under the direction of the principal, proper order and discipline in the teacher's classroom and while on duty in the school and on school grounds (S.264).

In addition to the duties assigned under the Act and by the board, a teacher shall:

- ensure that all reasonable safety procedures are carried out in courses and activities for which the teacher is responsible; and

- cooperate with the principal and other teachers to establish and maintain consistent disciplinary practices in the school (Reg. 298, S. 20).

A pupil shall:

- exercise self-discipline;
- accept such discipline as would be exercised by a kind, firm and judicious parent;
- be courteous to fellow pupils and obedient and courteous to teachers;
- show respect for school property (Reg. 298, S. 23).

Discipline and Assault: Potential Consequences

Any person who commits an assault of whatever nature on any other person is liable to face consequences of various types.

Criminal Law

Assault is defined in the Criminal Code as follows:

A person commits an assault when;

- without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
- he attempts or threatens, by an act or gesture, to apply force to another person, or causes that other person to believe upon reasonable grounds that he has at present or the ability to effect his purpose; or
- while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

Section 43 of the Criminal Code provides a limitation on the use of force and also a defense for a teacher who uses force. Every schoolteacher, parent or person standing in place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

Other than for the safety of students, teachers should not touch students in any manner for any reason.

CONTACT YOUR LOCAL OSSTF OFFICE IMMEDIATELY IF YOU ARE ACCUSED OF ASSAULT

Sexual Assault

Section 153 Sexual Exploitation

Every person who is in a position of trust or authority towards a young person or is a person with whom the young person has a relationship of dependency and who:

- for sexual purposes touches, directly or indirectly, with a part of the body with an object, any part of the body of the young person or,

- for sexual purposes, invites, counsels or incites a young person to touch directly or indirectly, with a part of the body or with an object, the body of any person; including the body of the person who so invites, counsels or incites and the body of the young person, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years or is guilty of an offence punishable on summary conviction.

In this section "young person" means a person sixteen years of age or more but under the age of eighteen years.

A staff member would be considered to be in a position of trust or authority for the purposes of Section 153.

For those under sixteen a parallel set of provisions is contained in Sections 151 (Sexual Interference) and 152 (Sexual Touching). Here the prohibition applies to all; there is no limitation to "person(s) in a position of trust or authority", and the maximum sentence is ten years not five years. Consent is not a defense in 151, 152 or 153.

Advice to Members

Members need to be sensitive to student's feelings about being touched. We can show we care by being verbally supportive. An approach to students that involves touching or hugging is potentially dangerous.

The College of Teachers has issued an advisory on sexual assault and guidelines for teachers. Do not put yourself in a position of being alone in a private place with a student. If you feel that you have been sexually assaulted, contact the OSSTF office.

Do not socialize with students.

Parenting Leaves: The Law

Employment Insurance has basic provisions regarding Parental Leaves. OSSTF has been successful in negotiating provisions for Parental Leave. Check your local collective agreement for details or call the OSSTF office.

Harassment and Discrimination

If you complain, or give an adverse report about another colleague, the OSSTF Constitution and Bylaws require you give that member a copy of said report.

The Ontario Human Rights Code prohibits discrimination or harassment because of race, ancestry, place of origin, color, ethnic origin, citizenship, creed, sex and sexual orientation, age, marital and family status, or handicap.

Harassment and Sexual Harassment

Harassment is defined as "engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome".

Sexual harassment is defined as "unwelcome conduct of a sexual nature" that detrimentally affects the work environment or leads to adverse job related consequences for the victims of harassment.

Examples of sexual harassment include sexual advances, reprisals for sexual reasons, innuendo, jokes in bad taste, displays of offensive pictures or persistent e-mail comments.

If you are being harassed:

- Contact your District Office for advice.
- Object to the harasser personally.
- Use your board's sexual harassment policy.
- Consider a complaint to the Ontario Human Rights Commission if the board procedures fail.

If you complain, or give an adverse report about another colleague, the OSSTF Constitution and Bylaws require you give that member a copy of said report within three days of the action.

Discrimination

- No direct discrimination
- No adverse effect discrimination (indirect)
- Where disabilities are involved, employers have a duty to accommodate employees by rearranging work duties so that discrimination is not necessary. Only where the accommodation would impose undue financial hardship on the employer will the discrimination be allowed.

Duty to Accommodate

Under the Human Rights Code employers and members must be educated about what is expected of them to prevent discrimination against employees and co-workers.

In 1995 the Ontario Human Rights Commission published guidelines relating to accommodation and undue hardship. The guidelines are subject to interpretation by the courts and boards of arbitration.

Ontario Human Rights Code (Guidelines)

Public policy recognizes the inherent dignity and worth of every person and provides for equal rights and opportunities without discrimination.

The aim is to provide a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and feels able to contribute to the community.

The essence of accommodating people who have disabilities is to individualize. Each person's needs are unique and must be considered afresh when a barrier is encountered.

Standards for Accommodation

The needs of persons with disabilities must be accommodated in a manner which most respects their dignity, if to do so does not create undue hardship. The phrase "respect their dignity" means to act in a manner which recognizes the privacy, confidentiality, comfort, autonomy, and self-esteem of persons with disabilities, which maximizes their integration and which promotes their full participation in society.

The person with a disability must make their needs known to the person responsible for accommodation and is obliged to answer questions with regard to the particular circumstances or equipment required in a specific situation.

The guidelines do not require the person to disclose private or confidential matters. A medical certificate indicating that a member requires a flexible schedule for medical reasons, without specifying further details may be appropriate.

Standards for Assessing Undue Hardship

The three standards in the guidelines are costs, outside sources of funding, if any, and health and safety requirements, if any.

Current abilities rather than future ones must be considered when assessing whether a person can do a job. Issues like business inconvenience or undue interference are excluded from consideration.

Young Offender's Act

Issues under the Young Offenders' Act

- Age 12-17.
- No criminal responsibility under 12.
- 12-17 year olds convicted in youth court for murder can face a maximum of 10 years imprisonment.

You may be asked to attend a meeting regarding a student with police, probation or child and family services. Contact your local OSSTF office prior to making any statements or attending the meeting.

Disclosure of Identity

S. 38 of the Young Offenders Act allows for professionals (police, school authorities and youth protection agencies) to exchange information about young offenders in some circumstances including:

- where disclosure would assist compliance with a probation order;
- where disclosure will ensure the safety of students or staff (violent crimes);

Disclosed information must be kept separate from the student's school records and destroyed when no longer needed for original purpose.

Statements Made to Persons in Authority

S. 58 of the Young Offenders Act says that no statement by a young person to a police officer or to a person in authority is admissible unless:

- the statement is voluntary;
- clear expectations have been given about the young person's rights;
- the young person has had an opportunity to consult with a parent or other appropriate adult and
- this adult is present when the statement is made if the young person wishes it.

Staff are usually considered to be persons in authority and should comply with the above.

Dangerous Students and the Occupational Health and Safety Act

This Act allows a member to refuse to work because of unsafe conditions but not because of a dangerous person. The principal however, has an obligation under the Education Act, to maintain order and to act for the welfare of all students.

Child Abuse

Reporting Suspected Child Abuse

For teachers, failure to report under the Child and Family Services Act is defined as Professional Misconduct by the College of Teachers. You can lose your Teaching Certificate! If you suspect child abuse contact OSSTF for advice immediately.

The following are examples of child abuse:

- Physical harm or risk of physical harm by a person having charge of a child or arising from neglect or failure to adequately care for the child.
- Sexual molestation or exploitation or the risk that a child may be molested or exploited.
- Failure of the person in charge of the child to provide required medical treatment.
- Emotional harm or risk of emotional harm demonstrated by serious anxiety, depression, withdrawal, self-destructive or aggressive behavior, or delayed development where there are reasonable grounds to believe that the emotional harm results from the actions or neglect of the parent or person having charge of the child.
- Not providing or consenting to treatment if the child suffers from a mental, emotional or a developmental condition.
- Abandonment of the child or if the parent has not made adequate supervision for care.
- The child is less than 12 years old and has killed or seriously injured another person or caused serious damage to another person's property because of inadequate supervision or because of the child not getting proper treatment to prevent a recurrence.

Scope of the Duty to Report

There is now an ongoing duty to report, and the reporting must be directly to the Children’s Aid Society. "A person who has a duty to report must make the report directly to the society and shall

not rely on any other person to report on his or her behalf." Failure to report information obtained in the course of professional duties can lead to a fine of up to $1,000.

Advice to OSSTF Members - Child Abuse

If a student comes to you with an allegation of child abuse:

- listen supportively, objectively, and calmly;
- try to get the basic information in case you need to report (name, address, generally what happened);
- find out your board's child abuse allegation procedures;
- contact the OSSTF District or Provincial Office;
- consult with a principal or supervisor but remember the obligation to report to the Children's Aid Society is yours;
- remember that if you are in doubt, the welfare of the child is the decisive criterion.

Do Not:

- promise secrecy, even if the student asks you not to tell anyone;
- react emotionally to what you hear;
- investigate any further than necessary to establish whether reasonable grounds for suspicion exist. Disclosure is very difficult for a student, particularly if sexual abuse is involved. Questioning is best left to the CAS or police.

If the allegation is related to the conduct of an OSSTF colleague and your decision is to report to the CAS:

- report to the CAS first;
- call Provincial OSSTF for advice on whether you can inform your colleague that you have made an adverse report without endangering the investigation.

Classroom Negligence

It can be described as an unintentional harm caused by a failure to meet the required standard of care. Legally, a negligence charge involves a lawsuit for damages. Most lawsuits name the educational worker as well as the board. In most negligence lawsuits, the board provides the legal defense (and OSBIE insurance coverage) for all named employees.

Even if negligence is not provable in a court of law, the school board may take action against you either via discipline (breaching your duty as an employee) or via a complaint to the Ontario College of Teachers or other professional college under a regulation on professional misconduct.

CONTACT YOUR OSSTF DISTRICT OFFICE IF YOU NEED ADVICE

DO NOT leave students in your care unattended. If you need to leave the classroom for any reason, call the school office for support. Report all incidents to administration for action. If a student leaves the room without permission report it.

Ontario College of Teachers

Professional Misconduct Regulation

The Regulation includes the following:

- Providing false information or documents to the College or any other person with respect to the member's professional qualifications.
- Failing to maintain the standards of the profession.
- Abusing a student physically, sexually, verbally, psychologically or emotionally.
- Failing to keep records as required.
- Failing to supervise adequately a person who us under the professional supervision of the member.
- Signing or issuing, in the member's professional capacity, a document that the member knows to contain a false, improper or misleading statement.
- Failing to comply with the Act or the regulations or the bylaws.
- Failing to comply with the Education Act.
- Contravening a law if the contravention is relevant to the member's suitability to hold a certificate of registration and qualification.
- An act or omission that, having regard to the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonorable or unprofessional.
- Conduct unbecoming of a member.
- Failing to cooperate in a College investigation.
- Failing to comply with the member's duties under the Child and Family Services Act.

College of Teachers Complaints

If you receive notice from the College that you are being investigated:

- Call the Secretariat members assigned to your District at the Provincial OSSTF Office.
- Do not discuss the matter with colleagues, the complainant or your employer until you have spoken with OSSTF.
- Do not attend any meeting about the complaint without OSSTF representation.

Because the College has the power to revoke and suspend a teacher's certificate, you should take all complaints seriously. Although the complaint may appear frivolous to you, the College staff has a legal responsibility to investigate all written complaints and you have an obligation to respond to and cooperate in inquiries from the College.

Because the College has the power to revoke and suspend a teacher's certificate, you should take all complaints seriously. Call OSSTF if you receive an Investigation Letter from the College.

Due Process Tips

If you think you may be charged, do not say anything or provide any account until you contact OSSTF Provincial Office and you have had legal advice.

Do:

- get in touch with OSSTF District or Provincial Office; OSSTF will provide initial legal assistance.
- get written statements from witnesses, particularly students if you think they will be supportive. If possible have someone else obtain the statements.

Do Not:

- talk to anyone involved in making the complaint.
- talk to colleagues or anyone else about the incident. They may be placed in a position of being witnesses for the prosecution.
- answer police questions until you have had legal advice. The police may be unsure about whether to lay a charge. Tell them you want to cooperate but you need legal advice first.

Final Thoughts

Do not put yourself at risk. Do not develop any social relationships with students, particularly those under 18.

Do:

- keep the door open if you are alone with a student in a room.
- make sure you can be seen from the open door.

Do Not:

- cover a window in a door.
- touch the student.