



# UNDERSTANDING Professional Judgement

## A Guide for Virtual Teachers During the Pandemic

Ontario is experiencing a pandemic as a result of the transmission of COVID-19. This has resulted in a move to online learning for many of our members.

ETFO's position on in-person learning remains unchanged. The Federation firmly believes that the daily, in-personal model of instruction and support best meets the educational, developmental and social needs of students, provides the best experience for support, and is the most equitable learning model for all students.

**ETFO's expectation is that elementary virtual learning in any capacity, including through hybrid models of instruction, will end once the pandemic ends.**

We know that educators are eager to be back with their students in their classrooms. ETFO will continue to demand action from the government, school boards and public health units to ensure in-person learning and support can resume quickly and safely.

At this time, ETFO is providing this resource to assist members in exercising professional judgement and delivering quality learning and supporting students.

March 2021





## Understanding Your Professional Judgement

Professional judgement is an important concept for educators. It is defined in Section C. 2.5 of the Teacher/Occasional Teacher Central Agreement as follows:

“Professional Judgement” shall be defined as judgement that is informed by professional knowledge of curriculum expectations, context, evidence of learning, methods of instruction and assessment and the criteria and standards that indicate success in student learning. In professional practice, judgement involves a purposeful and systematic thinking process that evolves in terms of accuracy and insight with ongoing reflection and self-correction.”



## Professional Judgement: A Right that Comes with Responsibility

On a daily basis, educators make many decisions using their professional judgement. This judgement enables them to utilize their understanding of the context of their classroom and students, their professional knowledge and their training in order to implement the curriculum in a meaningful way.

As an educator exercising your professional judgement, you should be prepared to provide the rationale for the decisions you make, if asked. The rationale may include references to your professional knowledge (e.g., content and pedagogy) and training, the classroom context, your prior professional experiences and existing policies and curriculum documents. For example, if asked to change a mark on a report card, you may quote sections from Growing Success along



The following are generally considered to be examples of areas where there may be LESS room for the exercise of professional judgement depending upon the circumstances.

## This is NOT an exhaustive list.

- Following related legislation and regulations (*Education Act*, privacy, copyright, human rights, health and safety, etc.).
- Completing duties assigned as set out in the collective agreement.
- Following the assessment and evaluation guidelines set out in *Growing Success*.
- Following Board policies and procedures, including copyright, cyber-security and privacy policies (NOTE: these policies and procedures cannot contravene the collective agreement or prevailing legislation).
- Following school budgets and board/school spending policies/guidelines.
- Following the Standards of Practice and the Ethical Standards of Practice as defined by the Ontario College of Teachers (OCT).
- Following Individual Education Plans (IEPs) and student safety/behavioural plans. (NOTE: consult with special education board personnel to support IEP development, including the use of assistive technologies and programming for a virtual environment).
- Teaching the curriculum for the subjects/ courses that have been assigned to you.
- Completing lesson plans and long-range planning.
- Provide materials for occasional teachers in your absence as requested by the board or set out in collective agreements.
- Reporting student attendance.
- Completing report cards following the guidelines set out in *Growing Success*. See [ETFO PRS Matters on Provincial Report Cards – Volume #66](#).
- Engaging in ongoing communication with students and parents/guardians, and when doing so electronically, using board-approved platforms.
- Allowing administrators into your classroom, announced or unannounced. Restrictions may exist, however, on observation of teachers for the purposes of evaluation.
- Attending meetings with school administrators, when requested.
- Participating in Identification, Placement, and Review Committee (IPRC) meetings within the instructional day, when requested.
- Attending meetings for the creation of new IEPs within the instructional day or at a mutually-agreed-upon time.
- Attending meetings for the creation of new student safety or behavioural plans within the instructional day or at a mutually-agreed-upon time.
- Completing the Annual Learning Plan (non-New Teacher Induction Program (NTIP) teachers) and participating in NTIP-related activities.
- Attending board mandated professional development scheduled during the instructional day, exclusive of lunch and other collective agreement provisions that may apply.
- The completion of safe school incident reports and violent incident reports as applicable.
- Use a board-approved platform for synchronous and asynchronous learning as outlined in [Provincial Policy Memorandum 164 \(Requirements for Remote Learning\)](#).



**The following are generally considered to be examples of areas where there may be MORE room for the exercise of professional judgement depending upon the circumstances.**

**This is NOT an exhaustive list.**

- Choosing the frequency, timing, methods and types of assessment and evaluation used to measure student learning.
- Determining the specific items you wish to purchase for your classroom based upon the board/school spending policies/guidelines.
- Implementing the strategies for differentiating instruction and assessments.
- Choosing the order and emphasis of overall and specific expectations when delivering the curriculum.
- Determining the instructional strategies and appropriate technologies (from the Board's list of approved digital applications and services) to deliver the curriculum.
- Determining the format and content for your lesson plans and long-range plans.
- Determining the format of the materials left for occasional teachers unless there is specific language in your local teacher/occasional teacher collective agreement outlining a specific format.
- For occasional teachers, determining if the lessons left by the classroom teacher should be modified given their knowledge of the students on a given day or the availability of appropriate materials and resources including the use of digital tools.
- Choosing what format to use and the content of the materials assigned to absent students or if any materials are required at all. (NOTE: This does not apply to students exempt from synchronous learning as outlined in [Provincial Policy Memorandum 164](#)).
- Determining the method and frequency of communications with parents and students beyond the requirements under the Education Act and its regulations.
- Completing EQAO survey.
- The timing of meetings with administrators (e.g., whether or not to use your preparation time for the meeting which is, generally, your choice).
- Requesting a union representative to attend meetings with administrators, subject to the provisions of your collective agreement.
- Determining the format and content of the input provided during the development of IEPs.
- Updating strategies on IEPs.
- Determining the information to be included in your Annual Learning Plan (ALP), taking into consideration the feedback on your last Teacher Performance Appraisal (TPA), if any.
- Inviting volunteers into your classroom subject to criminal background check provisions, subject to board policies (e.g., criminal background check).
- Accepting cooperative education students, faculty of education students, etc.
- Determining appropriate classroom management strategies that respect, maintain and preserve the dignity of individual students.
- Deciding whether to participate in professional learning outside of the instructional day and year unless this is a required part of your role/ job to deliver this professional learning.
- Choosing to record and post lessons and/ or instructions as a part of synchronous or asynchronous instruction.
- Choice of board-approved standardized platform for synchronous learning (where more than one is made available).

**On occasion, teachers may be challenged by their administrator as they assert their professional judgement. If such a situation arises the following tips will assist in dealing with the situation:**

- Explain why the directed activity is not the correct thing to do in the given situation. This discussion must include the teacher's rationale for this decision based upon their professional judgement.
- If the administrator continues to insist that the teacher take the directed course of action, in order to avoid allegations of insubordination, the teacher must follow the instructions/ directions of the administrator and indicate that they are doing so under protest.
- It is important for the teacher to keep a record/ written notes if they find themselves in a situation where they feel their professional judgement is being challenged.
- If a teacher believes their professional judgement is being challenged or they are unsure if a particular situation falls under the category of professional judgement they should speak with their local president as soon as possible.



## General Tips

**Early and ongoing communication with parents about the students in your care is an important strategy to avoid challenges to your professional judgement.**

**When responding to parents/guardians about how you have used your professional judgement, try the following: 'I am using my professional knowledge to best meet the needs of my students and to fulfill my responsibilities and duties as set out by the Ontario College of Teachers, the Education Act and board policies and procedures.'**

**Approach such interactions with administrators and parents/guardians as an opportunity to highlight the importance of teacher professional judgement rather than seeing it as a confrontation.**

**For additional resources, check the following:**

[etfo.ca/link/virtualenvironment](https://etfo.ca/link/virtualenvironment)

**ETFO [Professional Judgement webpage](#)**